

GRAND COUNTY, UTAH

EMPLOYMENT

POLICIES & PROCEDURES

MANUAL

Approved:

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IMPORTANT NOTICE-ALL EMPLOYEES

Grand County welcomes you as an employee. It is our hope that your work with the County will be satisfying and beneficial to you and to the people of Grand County. If, at any time, you have concerns or questions about your employment, we hope that you will bring them to the attention of the Human Resource Director, the Elected Official to whom you report or, if you work for a Council Department, your supervisor or department head. It is our desire that your work is satisfying and productive. The County Human Resource Director is available to all county employees to answer questions and provide assistance.

This Manual is provided to you as a reference guide regarding Grand County Policies and Procedures. Please read it carefully and refer any questions regarding this policy to the Grand County Personnel Office. **These policies and procedures as well as the benefits provided by Grand County to its employees may be amended from time to time by action of the Grand County Council. The Grand County Council reserves the right to amend, alter, or revoke any policy, practice, benefit, or employment condition, at any time, or for any reason, with or without notice.**

No contract exists between Grand County and its employees or any third parties with respect to salary ranges, movement within salary ranges, employee benefits, work location, or any other aspects of employment. These may change as a result of salary surveys, job analysis, availability of funds, job performance, changes in workload, or changes in County policies and procedures. Employment with Grand County is "at will" and may be terminated at any time.

This manual supersedes all previous editions or copies of the Grand County Policies and Procedures Manual, Personnel Policy Manual, or manuals by any other name or designation dealing with personnel items in Grand County.

Except for the Grand County Council, no department heads, supervisors, or Elected Officials have the authority to vary the terms of this policy manual or to make any agreement regarding employment with the County. **Any elected office departmental procedures, manuals, materials, directives, or policies are void when they are in conflict with the Grand County Policies and Procedures Manual.** The Grand County Council has the sole authority to make agreements regarding County employment.

SECTION I – INTRODUCTORY PROVISIONS-ALL EMPLOYEES

Grand County is a political subdivision operating under the laws of the State of Utah and administering public funds. These policies and procedures are designed to guide Elected Officials, department heads and other County supervisors in dealing fairly and equitably with the County's employees, consistent with the County's obligation to serve the public and be accountable for the public's money.

A. Applicability of Policies and Procedures

These policies and procedures apply to all full-time employees in Grand County. All other employees are covered by these policies and procedures as noted. **Policies regarding discrimination; standards of conduct; drug-free workplace; incompatible outside activities; political activity; sexual harassment; employment of relatives; personnel records and usage of electronic communication devices and services and others specified apply to all employees.**

B. Scope of Grand County Policies and Procedures

The Grand County Policy and Procedures Manual regulates the following aspects of employment:

1. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skill levels, including consideration of qualified applicants for initial appointment;
2. Employee compensation taking into account County budgets and the labor market where the County competes for labor;
3. Training employees, as needed, to assure high quality performance and reasonable performance standards;
4. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and terminating employees whose inadequate performance cannot be corrected in a timely manner; and
5. Assuring non-discrimination for applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, age, handicap, or familial status, and with proper regard to their privacy and constitutional rights as citizens.

C. Authority for Policies

The Grand County Council establishes Grand County policies and procedures which are outlined in this document. The County may alter, amend, or supplement these policies at any time. The Grand County Council must approve any amendments or changes to the policies and procedures. **Only the Grand County Council, on recommendation of the Human Resource Director can enter into contracts, agreements, or promises of any kind relative to employment with Grand County.** It is not the intent of this document to place the Human Resource Director above Elected Officials or Department Heads in hiring or firing decisions

D. Savings Clause

If any provision of these policies and procedures, or the application thereof, is found to be in conflict with any State or Federal Law, the remainder of these policies and procedures that is not in conflict with any State or Federal Law shall remain in force.

SECTION II – EQUAL EMPLOYMENT OPPORTUNITY-ALL EMPLOYEES

A. *Non-Discrimination*

Grand County is an equal opportunity employer. The County complies with Federal and State non-discrimination laws with respect to employment on the basis of race, color, national origin, sex, age, disability, or religion. The County complies with Title VII, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Equal Pay Act and other applicable laws relating to non-discrimination in employment. Employment at Grand County is based upon the applicant or employee's qualifications, suitability for the job, job references (including current performance of existing County employees), and ability to perform the functions of the job.

B. *Nepotism*

The County complies with Utah Code Ann. §§ 52-3-1 to 5- 3-4 (1953, as amended) regarding the employment of relatives. The County strives to avoid favoritism or patronage to relatives in matters related to job recruitment, selection, job advancement, or issuing contracts for services. No department head or Elected Official shall hire or supervise a relative, directly or indirectly, unless an exception is obtained in writing as required in this subsection.

For purposes of this subsection, a "relative" is defined as a mother or father; spouse, son or daughter, sibling, uncle, aunt, nephew, niece, first cousin, mother or father-in-law, brother or sister-in-law, or son or daughter-in-law. "Relative" shall also include the corresponding step-mother or father, step-son or daughter, step-sibling, step-aunt or uncle.

Exceptions to this policy require the prior written approval of the Human Resource Director for Council Departments and the Grand County Council for all County employees. An exception may be granted if one or more of the following criteria are met:

1. The relative will be employed for four (4) weeks or less; or
2. The relative is the only applicant qualified or eligible for the position

If because of marriage, promotion, reorganization or other reason, it appears that a conflict with Utah law or this policy exists, the Human Resource Director, and the

Grand County Council shall review the matter.

If it is determined that a conflict exists, one of the family members must request a transfer to another County position (if one exists) or such other remedy as determined by the Human Resource Director and the Grand County Council.

SECTION III – ADMINISTRATION-ALL EMPLOYEES

A. *Responsibility for Administration of Policies*

The Grand County Council adopts and approves the County's personnel policies. The Elected Officials, appointed department heads, and other supervisors are directly responsible for day-to-day management and the implementation of the County's approved personnel policies in their respective departments and offices.

The Human Resource Director assists the Grand County Council, Elected Officials, department heads and supervisors in coordinating the management of the County's employees. The Human Resource Director's duties are defined by the current Council-adopted job description and include:

1. Administrating and developing job classification and compensation plans;
2. Establishing standards and supervising the implementation of an employee performance evaluation plan;
3. Advertising vacancies, recruiting, and managing the hiring process;
4. Maintaining all personnel-related records;
5. Coordinating all employment terminations;
6. Developing and presenting personnel policies to the Grand County Council for adoption and approval;
7. Interpreting and clarifying adopted personnel policies in the absence of prior precedent; and
8. Implementing any other employment related actions required by County, State, or Federal rules, regulations, policies, and procedures.
9. Advising Elected Officials and department heads as requested.

B. *Personnel Records*

The Human Resource Director maintains the official personnel record of each County employee.

Contents: A County employee's personnel records may contain:

1. Employment applications and eligibility certificates;
2. Transcripts of academic preparation;
3. Commendations;
4. Disciplinary actions;
5. Performance evaluations;
6. Compensation and benefit information;
7. Work history information such as promotions, transfers, reassignments, or layoffs; and
8. Other information relevant to the individual's employment with the County.

Medical records including the results of drug tests shall be maintained by the Human Resource Director in a manner consistent with state and federal law.

The Human Resource Director must review any documents regarding disciplinary action before they are placed in an employee's official personnel record. In addition, before a disciplinary document is placed in an employee's file, the employee should sign the document and acknowledge receipt of a copy.

If an employee declines to sign a disciplinary document, the supervisor should note the date and time the item was presented to the employee and notify the Human Resource Director immediately. The Human Resource Director should then mail, return receipt requested, a copy of the action to the employee's address on file. Failure of the Human Resource Director to mail a copy, or of the employee to receive a copy, of the disciplinary document shall not nullify the document or action taken.

If a disciplinary action is appealed and overturned, related personnel records will be removed from the employee's personnel record.

Record Access: The County considers employees' official personnel records to be confidential and available only to employees' supervising Elected Official, department heads and administrative officials with a legitimate need to access the information. All reviews of personnel records must occur in the presence of the Human Resource Director or his/her designee.

Employees may review the contents of their own personnel files during business hours at the Human Resource Director's office in the presence of the Human Resource Director

or his/her designee. All files are property of Grand County. Photocopies will be made by Human Resource Director at the request of the employee upon written request and given to the employee only. A reasonable copy charge may be charged for each photocopy.

Record Retention: All records related to terminated employees may be retained for five (5) years following the end of the year to which they relate. Records of medical examinations required by law, and records of any environmental exposure to hazardous materials are required by OSHA to be retained for thirty (30) years.

C. *Employment Verification Requests*

Occasionally, current or former employees ask the County to provide verification of employment to potential employers or lenders. All requests for verification shall be referred to the Human Resource Director who shall provide only the following information:

1. The employee's name;
2. Positions held by the employee;
3. Dates of employment; and
4. Salary Range

Although the compensation paid to County employees is public information, it is not the County's practice routinely to supply such information in response to reference requests. An employee wishing compensation information released to a lender or other entity should provide the County a written request.

D. *Letters of Recommendation*

No Elected Official or department head shall provide a letter of recommendation on official County letterhead, or any letter which purports to be an official letter of recommendation or conduct referencing the employment of any past or present Grand County employee unless the letter has been reviewed and approved by the Human Resource Director. Signed copies of any approved letter of recommendation or employment shall be provided to the Human Resource Director and placed in the employee's file.

Those who violate this policy shall be personally responsible for any liability created by such a letter.

SECTION IV – POSITION MANAGEMENT-ALL EMPLOYEES

A. Position Allocation

The Grand County Council must approve the creation of any new County position as well as the hiring, transfer, or promotion of employees. Elected officials and department heads should take the following steps to create a new position or hire a new employee.

1. Submit a new or revised job description for the position to the Human Resource Director for review.
2. Verify that the position has been assigned to an appropriate pay grade and step by the Human Resource Director.

Upon completion of the above, the Human Resource Director shall:

1. Obtain confirmation that sufficient funds are budgeted to fund the position through the current budget year; and
2. Upon verification of funds, make a recommendation to approve or deny the creation of the new position to the Grand County Council; and
3. If the creation of the position is approved by the Grand County Council, comply with the applicable recruitment and advertising requirements of Section V “The Hiring of New and Vacant Positions.”

B. Emergency, Temporary, and Seasonal Employees

Elected officials and department heads may from time to time as necessary hire emergency, temporary, and seasonal employees as long as the Human Resource Director verifies that sufficient funds are budgeted for the position. Such employees may not be hired for more than ten (10) months in any twelve (12) month period. Individuals serving in temporary or emergency positions may be rehired in subsequent years as long as the maximum time limit is not exceeded for any twelve (12) month period. Such positions need not go through the advertising and recruitment process.

C. Job Descriptions

All County positions must have a written job description approved by the Human Resource Director that sets forth each position’s duties and responsibilities. To create the

job description, Elected Officials and department heads should provide a detailed list of each position's duties and responsibilities to the Human Resource Director for approval and placement in standard form. Elected officials and department heads may use interviews, written questionnaires, and other means to determine each position's duties as accurately as possible.

Once a job description is approved for a particular position, the County uses the description: (a) to classify the position and its pay rate; (b) to determine whether applicants for the position meet minimum requirements; (c) to describe the position in advertising and recruiting for vacancies; and (d) to orient newly hired or promoted employees to the duties of the position.

All County employees will be assigned duties as set forth in the approved job description for their position and must be able to meet the requirements for performing the duties of the position to which they are assigned. Assignments may be made to an employee that are not specifically identified in the job description, but which are in keeping with the general responsibility and guidelines of the position. Additional compensation will not be given for such added duties.

D. Position Compensation

The County Council determines compensation levels for all Elected Officials. The Grand County Council also approves compensation levels for employees according to a step and grade chart developed by the Human Resource Director. The Human Resource Director comparatively evaluates a set of common factors and assigns each County position a step and grade classification that encompasses a specific salary range.

The compensation for employees is set according to each position's classification on the step and grade chart. No compensation will be approved for any individual hired to fill a position unless the compensation conforms to the approved classification and compensation plan. Unless an applicant's qualifications or experience suggest a higher beginning step and grade assignment, most employees will be hired at the entry compensation level and will progress through the salary range based upon performance.

E. Reclassification

If an employee's duties and responsibilities change significantly, the Human Resource Director will reevaluate the position to determine if it should be reclassified on the step and grade chart. Reclassifying a position to a different step and pay grade will not generally result in a decrease to an incumbent employee's pay. Normally, the employee's pay will be adjusted to a step within the new pay range equal to, or above, the employee's current salary.

Reclassification of an existing position may also occur due to office reorganization that results in the elimination of current positions or the creation of new ones. When an existing position is eliminated, the County may, at its discretion, implement any of the following options depending upon the availability of alternative positions:

1. Employees occupying eliminated positions may be reassigned or transferred to available existing comparable positions at the same step and pay grade.
2. Employees occupying eliminated positions may be reassigned to an available position that the employee previously held before occupying the eliminated position. In such a case, if the employee's compensation in the eliminated position is greater than the maximum pay allowed on the step and grade chart for the previously held position, the employee may be paid the maximum pay grade specified on the step and grade chart for the previously held position.
3. If no comparable or previously held position is available, an employee occupying an eliminated position may be offered other available positions for which the employee is qualified at the step and pay grade appropriate to the position.
4. If no such position is available, the employee may be released from employment.

F. Promotion

Amended: 12/12/2008 Resolution#:2859

It is the policy of Grand County to foster the advancement of its employees. It is Grand County's goal to ensure maximum opportunity for promotion from within, consistent with the commitment to County needs and excellence, and equal opportunity. A promoted employee shall receive a new job description, and may receive an increase in compensation as a result of higher grade classification.

For the purpose of this policy statement, a promotion is defined as advancement to a different position within the department/office which has increased responsibilities and classification to a higher wage grade. All County employees who have successfully completed the probationary period specified by conditions of employment in this policy, who are qualified for the position and who express their interest in an open position in writing are eligible to be considered for promotion. Exceptions to promotion prior to the completion of the probationary period shall be approved by the Council Administrator or the applicable Elected Official based on a legitimate department need. The Human Resource Director may be consulted to ensure that the exemption is in compliance with policy and any applicable rules or regulations.

Process

When job or promotion opportunities are announced, internal candidates may be

solicited in any of the following ways:

1. **Employee Application.** Employees may submit requests to be considered for new positions to Human Resources, Elected Official or the department manager to whom the new employee would report. Current employees must have the motivation, experience, ability, and skills to fill the open position.
2. **Managerial Recommendation.** Managers and Elected Officials may suggest employees for open positions.
3. **Surveys of Human Resources.** Personnel inventories may be utilized to identify employees with skills, potential, and the desire for promotion.

Criteria for Selection

The Manager or Elected Official to whom the employee will report has ultimate responsibility for reviewing employee promotion candidates. However, no promotions will be completed without the authorization of the Council Administrator or the applicable Elected Official. Management shall ensure that employee selection is based on clearly stated objectives and nondiscriminatory standards which may include, but are not limited to, the following:

1. Past performance including performance appraisals, corrective action, and attendance records
2. The employee's ability to perform essential job functions.
3. Qualifications including former experience or education.
4. Manager and Elected Official recommendations.
5. Promotion interviews may be used as deemed appropriate by Managers and Elected Officials.

Supervisors, including Elected Officials should ensure that all qualified internal candidates, especially women and minorities, are duly considered for vacancies in their department before recruiting outside candidates.

To promote internal mobility, job posting requirements and/or external advertisement may be waived with the approval of the Human Resource Director, or in the case of Elected Officials' offices, with the approval of the Elected Official.

SECTION V – HIRING FOR NEW AND VACANT POSITIONS- ALL EMPLOYEES

A. Vacancies

Amended: 02/17/2009 Resolution#:2877

When a new or existing position becomes available, the Elected Official or department head over the position should notify the Human Resource Director of the need to fill the vacancy. After confirming that the job description, minimum qualifications and required knowledge and skills are appropriate and that the Clerk/Auditor has verified that funds are available to support the position, the Human Resource Director will begin the recruitment process.

In-house Recruitment-Any County employee may apply for an open position by filing an application with the Human Resource Director. The in-house recruitment period shall be at least five business days. After the in-house recruitment period closes, the applicable Elected Official or department head and the Human Resource Director may interview qualified applicants. Nothing in these policies shall prohibit the Elected Official or department head from including other individuals from in the interview panel. The Elected Official on his/her own authority or the department head, with the advice of the Human Resource Director, may also elect to refer the position to open recruitment. In such a case, qualified employee applicants will be considered with all other open recruitment applicants. The in-house recruitment period may run simultaneously with the open recruitment period.

1. Employees accepting a position in another department/office through the in-house recruitment process will be subject to a 12 month probationary period in the new position.
2. Accrued sick leave will transfer with the employee to the new department/office.
3. Years of service to Grand County will not be interrupted by accepting a new position in another department/office within the County
4. Compensatory and vacation time accrued by employees will be paid out on the last check before transition to another department/office.

Open Recruitment-The County may advertise or post the vacancy as directed by the Human Resource Director. The open recruitment period shall be ten business days. Except for public safety positions, all interested applicants must file their applications as directed by the Human Resource Director. Public safety applications may be filed directly with the Sheriff's Office. Qualified applications will be forwarded to the applicable Elected Official or department head to decide which applicants to interview.

Open Recruitment Interviews-After an Elected Official or department head has decided which applicants to interview, the Human Resource Director or Elected Official or department head will coordinate an interview schedule. The applicable Elected Official or department head (or a designated representative) will conduct the interviews. Other relevant participants may be invited to attend the interviews. During the interview, the applicants may be invited to respond to a series of questions asked of all the applicants. These questions pertain to the requirements of the position and the applicant's qualifications. The questions are approved in advance by the Human Resource Director after consultation with the Elected Official or department head. The interviewers may divide questioning responsibilities as they choose.

Evaluating the Applicants-After the interviews, the applicants will be evaluated based upon their applications and interview responses.

Roster of Applicants-The applicable Elected Official or department head may choose from among the top one, two, or three applicants on the roster to fill the position. Prior to extending an offer to a candidate, the Human Resource Director, Elected Official or applicable department head may check references and conduct applicable background checks. If the selected applicant declines the position or is otherwise withdrawn from consideration, the Elected Official or department head may select from the remaining top applicants until the position is filled. The Human Resource Director will retain the roster for six (6) months after the position is filled in the event a similar vacancy occurs within the department. If such a vacancy does occur, the Elected Official or department head may elect to fill the position from the existing roster or to reactivate the recruiting process. Rosters expire after six months.

Notification of Candidates-Once a vacancy has been filled, the Human Resource Director will notify the applicants whose applications were submitted to that the position has been filled.

B. Recruiting of Public Safety Employees

Public safety applicants may file their applications directly with the Sheriff's Office at such time as the application process is advertised.

The Sheriff may use continuous recruitment for public safety positions when there is a reasonable anticipated need to fill multiple positions over an extended period of time. Under continuous recruitment, the Sheriff's Office may accept applications for public safety positions at any time.

In addition to standard requirements for County employment, public safety employees

must pass a skill test and be able to meet state licensing requirements for public safety officers. Public Safety rosters expire after 6 months unless extended by the Sheriff's Office.

C. *Hiring-Personnel Action Form Required*

Upon selection of an applicant, the Department Head/Elected Official shall submit to the Human Resource Director a completed Personnel Action Form. The employee shall not report for work and shall not be officially employed by Grand County until the Human Resource Director has signed the Personnel Action Form.

SECTION VI – EMPLOYMENT STATUS-ALL EMPLOYEES

A. *Employment Positions*

County positions are generally designated either full-time or part-time positions. Each job description shall state whether the position is a full or part-time, seasonal, temporary, or grant position and if it is an exempt or non-exempt position for purposes of the Fair Labor Standards Act (FLSA). Employees holding full-time non-exempt positions receive the benefits and protections described in this manual. Employees holding other positions receive only those benefits specified for the position in this manual.

An employee's classification determines the level of benefits for which the employee is eligible.

1. Full Time Positions: Employees who successfully complete the probationary period and who generally work thirty-two (32) or more hours per week in a permanent position are full-time employees.
2. Part Time Positions: Employees who successfully complete the probationary period and who work less than thirty-two (32) hours per week on a continuous or recurring basis are part time employees.

B. *Full or Part Time (Grant) Positions*

A full or part-time (grant) employee occupies a position which is more than fifty percent (50%) funded by grant monies or another alternate funding source when it is anticipated that the grant or alternate funding source will continue for more than two (2) years. Full or part-time (grant) employees accrue benefits in the same manner as other full or part-time employees but the employment term of a full or part-time (grant) employee is subject to the availability of funds from the grant or other alternate funding source. Such employees shall be terminated when funding is no longer available. Employees accepting full or part-time (grant) positions shall be required to sign a letter acknowledging the conditions of their employment and the funding source to which the position is tied.

Grant monies are funds received from resources other than the County's general fund or enterprise funds that are anticipated to be available for more than two (2) years and may require regular justification reports to maintain and receive future funding. Temporary fund contributions mandated by law or to support programs mandated by law or inter local agreement, which are anticipated to be available more than two (2) years, may

also be considered grant monies.

The Human Resource Director in cooperation with the Elected Official or department head will determine which positions are funded by grant monies, including alternate funding sources.

C. *FLSA Exempt Positions and Elected Officials*

The Grand County Council determines what hiring, recruitment, compensation and benefit policies apply to FLSA exempt employees. The Grand County Council determines the compensation for all Elected Officials. Except for Elected Officials, FLSA exempt positions serve at the will of Grand County and may be terminated at any time for any reason. The following positions are FLSA exempt positions:

1. Elected officials.
2. Duly appointed chief deputies who would discharge the duties of the elected County official in his/her absence or disability.
3. Persons hired by the Grand County Council or one of its committees to conduct a special inquiry, investigation, or examination.
4. Other positions that by their nature—confidential or key policy-makers or both— cannot or should not be appropriately included as full-time employees formally designated by the Grand County Council.

FLSA exempt employees may be terminated at any time at the will of Grand County. The County Grand Council determines the compensation and benefits granted to FLSA exempt employees and Elected Officials. Although the benefits and compensation paid to FLSA exempt employees may correspond to those paid to full-time employees, Grand County is not required to do so and the provision of additional benefits may be rescinded by the Grand County Council at any time for any reason without notice.

D. *Emergency, Temporary, and Seasonal Positions*

These positions may be filled with Grand County Council approval on a provisional basis not to exceed ten (10) months in any twelve (12) month period. Temporary employees do not qualify for employee benefits except for those prescribed by law, such as social security, workers compensation, or unemployment. Temporary employees serve at the will of the County and may be terminated at any time for any reason.

E. Independent Contractors

Independent contractors hired to perform professional or other specialized services for the County are not employees of the County and do not qualify for County benefits. However, upon approval of the County Council, health insurance may be provided in whole or part as a recruitment/retention incentive to independent contractors when the Council determines that the professional service to be provided is one for which it is difficult to recruit qualified professionals. Independent contractors include any person who performs work for the County who is:

1. Independent of the County in all that pertains to the execution of the work;
2. Not subject to routine rule or control of the County;
3. Engaged only in the performance of a definite job or piece of work; and
4. Any other person who legally qualifies as an independent contractor.

F. Probationary Period

Amended: 12/12/2008 Resolution#:2859

Final appointment to all full or part-time positions, including full or part-time grant positions, is contingent upon satisfactory completion by the employee of a twelve (12) month probationary period.

In addition, employees who change positions, in either the same or another department, within the County, must complete a twelve (12) month probationary period in the new position.

During the probationary period, the appropriate Elected Official, department head, or supervisor shall monitor the employee and review any areas of concern that arise.

An employee may be terminated at any time without cause during the probationary period.

A probationary employee working in a position that is entitled to receive vacation and sick benefits will accrue vacation time and sick leave during the probationary period. Employees who quit or are terminated during the probationary period will only be paid for accrued vacation time, and not for accrued sick time.

Emergency, temporary, and seasonal employees are considered “at-will” and may be terminated at any time and without cause.

G. Volunteers

Amended:03/17/2009 Resolution#:2884

Volunteers are considered government employees for certain purposes as set forth in Utah Code Ann. § 67-20-3.

Volunteers shall complete a registration form which contains the required information for Workers Compensation reporting and meets the requirements of the specific volunteer program and the Human Resource Department. Copies of this form shall be sent to the Human Resource Department.

A volunteer may not donate any service to a County department unless the volunteer's services are approved by the Council Administrator or the applicable Elected Official or an authorized representative and the Human Resource Director, as set forth in Utah Code Ann. § 67-20-4

Certain volunteer positions may require background checks into criminal and driving history and/or proof of licensure or certification when deemed appropriate by department head/Elected Official or supervisor and the Human Resource Director.

County employees who supervise volunteers should provide clear direction, in writing if necessary, as to the requirements and duration of any services donated.

All volunteers and their dates and times of donated service for the County shall be recorded on forms approved by the Human Resource Director. These records shall be filed with the Human Resource Director.

Volunteers shall be subject to the County's drug free workplace policy and will sign the Acknowledgement Regarding Grand County Policy and Procedures.

Volunteers may be removed from County volunteer service at any time and for any reason with or without notice.

Volunteer service experience may be considered when determining the minimum qualifications for an employment position with Grand County.

A County employee shall not be a volunteer within his or her own department.

A County employee may volunteer for another County department provided the following provisions apply;

1. The services are entirely voluntary, with no coercion by a County representative, no promise of advancement made, and no penalty for not volunteering,

2. The activities are predominantly for the employee's own benefit,
3. The employee volunteer does not replace an employee or impair the employment opportunities of others by performing work which would otherwise be performed by regular employees,
4. The employee volunteer serves without contemplation of pay,
5. The activity does not take place during the employee's regular working hours or scheduled overtime hours,
6. The volunteer time is insubstantial in relation to the employee's regular work hours,
7. The employee receives no compensation for the volunteer assignment, and;
8. The assignment does not involve the same type of service that the employee is employed to perform.

SECTION VII-COMPENSATION-ALL EMPLOYEES

Amended: 08/05/2008 Resolution#:2840

A. Compensation Philosophy

The Grand County Council sets and approves all compensation paid to County employees. County employees are compensated pursuant to a compensation step and grade plan based upon similarity of duties performed and responsibilities assumed. Through the step and grade plan, the County strives to compensate positions in the same class equitably based upon the qualifications required and the responsibility and difficulty of the work. The County seeks to maintain a high quality public work force by considering the comparative pay and benefits needed to compete in the labor market and to stay in proper alignment with other similar governmental units. The Grand County Council makes all compensation decisions consistent with the public trust inherent in administering the County budget. The compensation plan is developed by the Human Resource Director and approved by the Grand County Council.

NOTE: The Grand County Council may alter pay rates or compensation methods at any time at its discretion.

B. Initial Grade and Step Assignment

Employees' compensation is determined by the grade associated with the job position and step assignment within the grade. Typically, new employees are placed at the beginning step of the appropriate grade. However, exceptions may occur:

1. If an employee cannot be recruited for the position at the beginning step, or
2. If the employee exceeds the minimum qualifications and is expected to perform at a level equal to that of other individuals paid at a higher step.

C. Changes in Compensation

An employee's compensation can change in the following ways:

1. Cost of Living (COLA) Increase: The Grand County Council may at its discretion grant a general compensation increase to County employees to reflect market trends and changes in cost of living. Such increases take effect on the date determined by the Grand County Council.
2. Performance Increases: Performance increases may be awarded to employees based on evaluation criteria established and included within these policies

(below). Performance increases must be recommended by the Human Resource Director and approved by the Grand County Council. Performance increases are subject to the position's pay grade scale. Once an employee has reached the top step of a position's grade, the employee is no longer eligible for further performance increases.

3. Reclassification/Promotion/Demotion: Employees' compensation may change in connection with a promotion, demotion, or reclassification of the position.

NOTE: The Human Resource Director, Elected Official or Department Head, and the Grand County Council must approve all compensation changes before they take effect. The Clerk/Auditor must verify funds are available.

D. Compensatory Time Off

It is the policy of Grand County to discourage department heads and Elected Officials from having employees work overtime except in extreme circumstances where overtime is necessary to complete an important task or assignment. All overtime must be approved by Elected Officials or department heads in advance. The County complies with the Fair Labor Standards Act (FLSA) regarding minimum wage and overtime compensation. Unless otherwise specified, the County compensates those employees covered by the FLSA who are not exempt from its provisions by awarding compensatory time off in lieu of monetary overtime compensation at a rate of one and one-half hours of compensatory time for each hour of overtime worked.

An employee with accrued compensatory time may take time off to use the compensatory time within a reasonable time after making a request so long as the time off is not unduly disruptive to the operations of the employee's department/Office. The County encourages employees to use compensatory time within a reasonable time after accruing it. Accrued compensatory time must be used before using accrued vacation time. **In order to keep accrued compensatory time to a minimum, the employee may be directed to use accrued compensatory time at the discretion of the County (i.e. without a request by the employee).**

The maximum amount of compensatory time an employee may accrue is 24 hours. Employees who accrue more than 24 hours of compensatory time will be paid overtime at the rate of one and one-half times their regular hourly rate for each hour of overtime worked.

Upon terminating employment, employees will be paid for unused compensatory time. The rate of pay will be the employee's current rate of pay or the average regular rate received by the employee during the last three years of employment, whichever is greater.

E. Overtime Pay For Public Safety

In lieu of compensatory time off, Grand County may elect to pay Public Safety (Sworn Officers) personnel overtime pay at one and one-half times their regular hourly rate for each hour of overtime worked in excess of 80 hours in a two week work period.

F. FLSA Exempt Employees

Some County employees are not covered by the FLSA (Fair Labor Standards Act). These employees include Elected Officials, policy-making appointees, and legal advisers. Other employees are exempt from the FLSA's minimum wage and overtime requirements. These employees include certain executive, administrative, and professional employees including supervisors and department heads who meet the salary and duties tests established by the FLSA that determine exempt status. The Grand County Council determines, after review and approval by the Human Resource Director, which positions to characterize as exempt from the FLSA.

FLSA exempt positions are compensated on a salary basis and do not accrue compensatory time for overtime hours worked. Employees in exempt positions shall be assigned reasonable work_schedules to meet department needs and are expected to assist with coverage of their departments. Exempt employees are expected to work a minimum of 80 hours during each two-week pay period on a schedule approved in advance by their supervisors. The work of employees in exempt positions is not measured solely by hours worked. Employees in exempt positions are expected to work the hours necessary to complete assignments on a schedule that satisfies the requirements of the job position. In some cases this may require exempt employees to work more than 8 hours in a day, 40 hours in a work week and/or on weekends.

G. Payroll Procedures

All County employees with the exception of County Council members are required to complete a Grand County time card. Time cards are due by 8:30 a.m. on the Monday following the end of the pay period. Paydays are bi-weekly, every other Friday. The provision of paychecks by the County on an earlier date is at the discretion of the Clerk/Auditor and will not constitute a waiver of the official payday.

Non-exempt, full/part time employees shall record actual hours worked (start times, end times and lunch periods) on a Grand County time card. Non-exempt employees who accrue vacation and sick leave are required to use any accrued leave (compensatory, vacation or sick) for hours not worked during the regular work day.

Exempt employees shall not be required to record start times and end times but shall

record the number of hours worked on each day worked. Exempt employees who accrue vacation and sick leave are required to use any accrued leave for full or partial-day absences in a pay period in which less than 80 (eighty) hours are worked. Exempt employees are expected to notify their supervisors of work schedules.

Employees and supervisors shall sign all time cards attesting to the accuracy of all information on timecards before a paycheck is issued.

H. Termination Pay

Employees who leave County service for any reason will be paid the wages due them at termination at the next regularly scheduled payday. The County will also pay terminating employees for accrued vacation time and compensatory time that may be due. Terminating employees will receive their final compensation in paper check form.

Retiring (receiving retirement benefits from the URS) full -time employees will be paid 1/4 of accrued sick leave at their rate of pay at retirement, all other employees terminating employment with Grand County shall not be paid for unused sick leave.

I. On-Call(Duty) / Call-Out(Duty)

Amended: 02/06/2008 Resolution#:2812

Grand County recognizes that it may be necessary for various departments to require employees to be available on an on-call basis. It is the County's general policy that on-call assignments should be for public safety and emergency purposes and kept to a minimum.

Definitions

On- Call (Duty) Non-exempt employees who are required by their supervisor to respond to a cell phone, pager, radio or landline phone to be reached, while not at work, within a specified period of time are on-call. On-call duty is necessary to deal with after-hour situations and emergencies as the department requires. Typically, on-call duty is scheduled with the employee in advance and when scheduled to be on-call the employee will be ready, willing and able to work according to Grand County policy and procedure.

Call- Out (Duty) Non- exempt employees who have been assigned to on-call duty or who have worked a regular usual shift and are called back to the work site for duty by their supervisor have been called-out to duty. For the purposes of this policy call-out duty shall have the same meaning as called-out duty.

On-Call Duty

Non-exempt employees of departments may be designated to be on-call for after hours emergencies. These employees will be on-call as scheduled by their supervisor. During the time employees are on-call they will be required to be available by cell phone, pager, radio or landline phone and must remain within a 30 minute response time to their department. Sheriff's Office employees scheduled to be on-call must be available and respond immediately when called-out to duty. On-call employees will receive compensation of one (1) extra hour of straight time rate for each day they are on call. Hours in on-call status are not included for determining hours worked for overtime eligibility (with the exception of hours for which the employee is called-back).

Emergency Medical Response (EMS) volunteers and employees are required to be on-call in 12 hour shifts. EMS volunteers and employees must be available by cell phone, pager, radio or landline phone and must remain within a five (5) minute response time to the EMS Department during the 12 hour on-call shift. EMS volunteers and employees will receive 1 hour of straight time rate for every 12 hour shift they are on-call.

Call-Out Duty

Non-exempt employees, with the exception of EMS volunteers and employees, called to work outside their regular shift while on-call shall receive their on-call pay plus two (2) hours minimum call-out pay at the rate of one and one-half (1.5) times their straight-time rate. An employee, with the exception of EMS volunteers and employees, who is not on-call and is called-out to provide additional assistance to on-call employees for an after-hour emergency, shall be paid on the basis of two (2) hours minimum call-out pay at the rate of one and one-half (1.5) times their straight time rate.

If an EMS employee is called-out, in addition to on-call pay the employee or volunteer will receive one (1) hour minimum call-out pay at their straight time rate.

Extensions of an employee's regular shift contiguous to the employee's normal shift do not fall under this policy and will be compensated under normal County policy. Compensation shall not be paid twice for the same hours, nor shall the same hours be used twice in the computation of overtime.

J. Performance Reviews

Amended: 12/12/2008 Resolution#:2859

Objective

To establish a performance appraisal and pay plan system that provides an opportunity for Grand County employees to move through their salary grade based on providing high quality service and outstanding performance to the County.

Guidelines/Procedures

All employees will be evaluated annually using the Employee or Supervisor Performance Standard evaluation form within 30 days of the date of the anniversary of their original hire date. Employees will complete an Individual Development Plan on this anniversary date each year and enter the Pay for Performance Program. Employees cannot be eligible for more than a one (1) step increase in any year and all performance increases are subject to availability of funds.

Performance Increases

Employees who satisfy the following criteria are eligible to be considered for a one step performance increase every four (4) years on the anniversary of their original hire date:

1. Completed and met their goals outlined in Individual Development Plans created in collaboration with their supervisor/Elected Official for the previous four performance year periods which were submitted to the Human Resource Director for placement in the employees personnel file; and
2. Had their performance evaluated and in those evaluations received a rating of “fully achieved” for all performance standards. An employee with an evaluation of less than “fully achieved” ratings, disciplinary documentation or a corrective action plan in their personnel file that is not resolved with follow up documentation by the supervisor/Elected Official and the Human Resource Director during any year is not eligible for a performance increase.

Employees can also be eligible for one step exemplary performance increases based on criteria and documentation that demonstrates exemplary performance.

1. In addition to satisfying the above criteria, the employee must have performance ratings of “Consistently Exceeds” (the highest rating possible) in 50% of areas of performance contained within the Employee Performance Standards or Supervisor Performance Standards forms for their last two years of performance.
2. Employees are eligible to be considered for an exemplary performance increase on the second anniversary of their hire date and annually thereafter.
3. After receiving a performance increase for exemplary performance an employee must wait two years before they can be eligible again.

Note: For purposes of initial implementation, employees with a hire date in an odd year will be eligible for an increase on the anniversary of their original hire date in 2010; employees with a hire date in an even year will be eligible for an increase in 2011. This policy shall be effective January 1, 2009.

Evaluations

For purposes of annual evaluations, the employee's original hire date is the anniversary date. It is the responsibility of department heads and Elected Officials in collaboration with the Human Resource Director to track anniversary dates, perform evaluations, and participate in the preparation of Individual Development Plans for employees consistent with the department/office and overall County strategic plans and goals.

Employee evaluations shall be performed on or within 30 days of their anniversary date. The performance tools used shall be the current Grand County evaluation forms.

Performance Review Committee and Performance Criteria

Recommendations for all performance increases shall be submitted to the Human Resource Director.

The Human Resource Director shall forward performance increase recommendations to the Performance Review Committee.

The Performance Review committee members shall include the Human Resource Director, Council Administrator, three (3) Department Heads, and two (2) Elected Officials, excluding County Council members.

The committee will review and evaluate documentation submitted by supervisors/Elected Officials for recommended performance increases.

The committee members shall rotate annually so that all department heads and Elected Officials participate as committee members. The Human Resource Director shall solicit committee members annually on a rotating schedule.

Department heads/ Elected Officials shall not participate as a voting member when the committee evaluates documentation for a performance increase regarding an employee in their department or office.

Department heads/Elected Officials shall recommend an employee for a performance increase based on the employee meeting the eligibility requirements as outlined within this policy and shall do so within 45 days following the employee's anniversary date and evaluation.

The committee will review documentation provided by the department head/Elected Official that substantiates the performance which shall include the Individual Development Plans prepared prior to the evaluation period, and the employee's annual evaluation.

In order to be considered for an exemplary performance increase the application must also include documentation established throughout the evaluation period that verifies the following:

1. Performance consistently exceeding the standard requirements that is relevant and directly related to the job position.
2. Performance that is measurable in terms of time required and output.
3. Education and certification received that is above and beyond the standard requirements for the job position.
4. Special circumstances or events not usual or predictable that required performance above and beyond essential job duties.

The committee shall meet quarterly on the last day of the quarter or as near to the last day that falls on a working day to review documentation regarding recommendations for performance increases submitted during that quarter.

The committee will notify the supervisor or Elected Official of the determination and either recommend the increase be granted or deny the increase and provide the supervisor/Elected Official and Human Resource Director with documentation of the Committee's decision.

The supervisor or Elected Official may appeal the Performance Review Committee's decision to deny a performance increase within 10 days of the decision to the Human Resource Director.

The Human Resource Director will appoint a 3 member Appeals Committee of supervisors or Elected Officials not currently serving on the Performance Review Committee. The Appeals Committee will meet with the supervisor/Elected Official to hear the appeal and review documentation and make a decision to support or recommend a change to the Performance Review Committee's decision.

The Human Resource Director will prepare a personnel action form documenting any compensation changes approved by the committee and submit to the supervisor/Elected Official for signature.

The Human Resource Director in collaboration with the Council Administrator, department heads and Elected Officials shall conduct an evaluation at least annually of the effectiveness of the Pay for Performance program and recommend to the Council for approval any changes to the policy, guidelines and procedures as necessary.

SECTION VIII – BENEFITS-ALL EMPLOYEES

The County provides a variety of benefits to eligible County employees. Among the benefits currently offered by the County are a retirement program, a long-term disability insurance program, medical insurance plans, and a deferred income investment program. The availability of some benefits depends upon the nature of an employee's position with the County. **The Grand County Council may add, alter or eliminate benefits at its discretion.**

A. Retirement-Full-Time Employees

In order to help its employees plan and prepare for retirement, the County participates in the public safety and public employment retirement programs of the Utah State Retirement System, as follows:

1. Public Safety Employees: On behalf of each public safety employee, the County contributes a specific amount set by the State legislature to each public safety employee's retirement account. Rules governing public safety retirement benefits differ from those for other full and part-time employees. Please contact the Human Resource Director for details on public safety retirement requirements.
2. Full-Time Employees: On behalf of each full-time employee, the County contributes an amount of the employee's base salary toward the employee's retirement. Details on the amounts contributed are available from the Human Resource Director.

B. Medical Insurance-Full-Time Employees

Amended: 10/07/2008 Resolution#:2846

Grand County offers medical insurance to eligible County employees. Details on coverage and associated costs are available from the Human Resource Director.

If an employee and his/her lawfully married spouse are employed by Grand County, both employees may be eligible for health care insurance which currently includes health, dental and vision coverage. This health care insurance coverage shall be provided under the name of one spouse only rather than as coordinated coverage for both; and the employees shall be enrolled as;

1. either a family premium that shall cover both employees as well as eligible dependent children or;
2. a two party premium with one employee named as spouse.

Employees currently receiving coordinated health care coverage that were lawfully married spouses and employed with Grand County prior to October 7, 2008 shall, effective January 1, 2009, have health care insurance which currently includes health, dental and vision coverage under the name of one employee as;

1. either a family premium that shall cover both employees and eligible dependent children or;
2. a two party premium with one employee named as spouse.
3. The employee named as spouse shall receive from Grand County a \$3,000 deposit into a Section 125 Cafeteria (Flexible Spending Account) each year as long as both employees continue to be employed by Grand County.

Nevertheless, as in Section VIII Benefits, disclaimer, Grand County Council may add, alter or eliminate benefits at its discretion.

C. Long Term Disability Insurance-Full-Time Employees

The County will contribute up to six-tenths (6/10) of one (1) percent of the cost of the premium for County approved long-term disability insurance. Details on the long-term disability insurance are available from the Human Resource Director.

D. Holidays

Amended: 02/06/2008 Resolution#:2812

Grand County provides the following paid holidays:

1. The first day of January – New Years Day
2. The third Monday of January – Human Rights Day
3. The third Monday of February – Presidents Day
4. The last Monday of May – Memorial Day
5. The 4th of July – Independence Day
6. The 24th of July – Pioneer Day
7. The first Monday of September – Labor Day
8. The 11th of November – Veteran’s Day

9. The fourth Thursday and Friday of November – Thanksgiving Holidays

10. The Twenty-Fourth and Twenty-Fifth of December –Christmas Holidays

Part-time employees generally have these days off, but are not paid for the holiday when not required to work. The Grand County Council, at their option, may alter or make substitutions to the holiday schedule. Generally, when a scheduled holiday falls on a Sunday, the following Monday will be observed as the holiday. In the event that the holiday falls on a Saturday, the prior Friday will be considered the holiday.

Holiday Pay – Eight hours of regular straight-time pay for a day not worked that is designated as a County holiday.

Full-time employees (other than Public Safety, Dispatch, Road or Maintenance employees) who are required to work on a holiday will receive another day off in lieu of the scheduled holiday. Days off in lieu of holidays worked may be taken at a time approved by the employee's supervisor. Such time off is to be taken as soon as is practical.

Public Safety, Dispatch, Road and Maintenance employees will receive 2.5 times regular pay when required to work on a holiday.

If a full time employee's day off falls on a holiday the employee shall be entitled to receive a day off with regular pay. Days off in lieu of holidays falling on an employee's days off may be taken at a time approved by the employee's supervisor. Such time off is to be taken as soon as practical. Full-time Public Safety, Dispatch, Road or Maintenance employees who because of department scheduling are not able to take a day off in lieu of a holiday falling on a scheduled day off, shall be paid eight (8) hours of pay at the regular rate.

Should a holiday occur while an employee is on vacation, the employee will not be charged with vacation on the day of the holiday.

Employees may use vacation time or compensatory time off for the workday prior or after the holiday only when approved by their supervisor. The supervisor shall only grant the use of vacation time or compensatory time to employees prior or after the holiday so long as the department can remain operational. This criterion does not apply to departments that only have one (1) employee.

If a non-exempt employee is working a schedule that consists of more than eight (8) hour days, the difference between the eight (8) hours holiday pay and the regular shift shall be made up during the work week or will be taken from compensatory or vacation time to equal the forty (40) hour work week. For example: An employee works four (4) days at ten (10) hours per day, Monday through Thursday. If the holiday is on Monday, the employee would receive Monday off and be paid eight (8) hours of holiday pay and

use two (2) hours from accrued compensatory or vacation time to reach the regularly worked ten (10) hour day/ forty (40) hour week.

Certain departments such as the Library, Sandflats, OSTA, and Grand Center may have special holiday hours so that the facility may be open for the public to enjoy on the holiday. The department director shall determine if there are enough employees who voluntarily elect to sign-up to work that day. Employees that volunteer to sign-up and work on a holiday shall be compensated at their regular straight time rate and shall receive another day off in lieu of the holiday worked. Days off in lieu of holidays worked may be taken at a time approved by the employee's supervisor. Such time off is to be taken as soon as practical. If there is insufficient staff that sign-up to work on the holiday the facility will be closed.

Holiday pay is not considered hours worked in the computation of overtime.

Employees shall not receive more than ninety-six (96) hours total holiday pay for the year.

E. Vacation-Full-Time Employees

The County believes that a reasonable period of time away from the job is conducive to the good health and well-being of the employee and can have a refreshing effect that is to the advantage of the County as well as to the employee.

The County awards paid vacation to all full-time employees that have completed their probationary period according to the following schedule:

Eligible employees earn vacation as follows:

<u>County Service</u>	<u>Annual Vacation Days Awarded</u>
0 - 5 years	12 days
6 - 10 years	15 days
10 years and over	20 days

Here are some general vacation rules:

1. Employees may use their vacation anytime, subject to the requirements of their department/office and the approval of the department head/Elected Official. There is no limit to the amount of accrued vacation time that may be used at once so long as the needs of the department are met. Conversely, there is no minimum amount of vacation that must be used at one time.

2. Legal holidays occurring while an employee is on vacation are not deducted from an employee's accrued vacation time.
3. Unused current and accrued vacation may be carried forward to succeeding years. However, no more than 40 days (320 hours) may be carried forward.
4. Vacation time will not accrue while an employee is on leave of absence from the County.
5. Employees may not take vacation time before earning it unless approved in advance by the Department Head.
6. Vacation must be taken as time off. The County will not pay cash in lieu of accrued vacation time, unless an employee is terminating employment with the County.
7. Employees who terminate employment after completing the probationary period may be paid for accrued vacation time calculated at the base wage in effect on the employee's last day at work. However, the County retains the right to refuse payment for accumulated but unused vacation time to employees who are terminated for insubordination, violent or destructive acts against County personnel or property, or unlawful theft or retention of County property.
8. The Human Resource Director keeps the official record of accrued vacation.

F. Sick Leave-Full-Time Employees

The County provides compensated sick leave to full-time employees who cannot perform their normal duties as a result of illness or injury. Sick leave is a privilege and employees should use it responsibly. Intentional misuse of sick leave may be grounds for discipline, up to and including termination.

Eligible employees may earn sick leave at the rate of one day of leave for every month worked (one day for each full month of service). Employees may take sick leave for personal illness or to care for sick family members (spouse, child, or parent).

Here are some general sick leave rules:

1. As a courtesy, employees taking sick leave should provide as much advance notice as possible to their supervisors/Elected

Officials in order to minimize disruption to the workplace.

2. Employees absent from work due to their own illness or injury will be carried on the payroll in a leave with pay status for a time equal to the compensated sick leave accrued. After exhausting accrued sick leave, additional time off for illness will be charged first to accrued comp time, then to accrued vacation time.
3. Sick leave may be taken in increments smaller than eight hours.
4. Legal holidays occurring while a full-time employee is ill will not be deducted from an employee's accrued sick leave.
5. There is no limitation as to the amount of sick leave that may be accrued and carried forward to succeeding years.
6. Employees do not earn sick leave while on an unpaid absence from the County.
7. After three (3) consecutive days of sick leave, at the County's discretion, an employee may be required to provide a doctor's certificate of illness with respect to any sick leave taken.
8. Employees are encouraged to build up sick leave so that days are available for serious illness. Supervisors should counsel employees who regularly use up sick leave regarding the difficulties such a practice may create.
9. Except for retiring employees as set forth herein, the County does not pay terminating employees for accrued sick leave. Employees retiring pursuant to the provisions of the Utah State Retirement Act, the Utah Fireman's Act, or the Utah Public Safety Retirement Act, may receive credit for 25% of the total cash value of the unused sick leave under one of the following options:
 - a. The twenty-five percent may be applied toward the retiring employee's premium for continuation insurance coverage if available. When the 25% amount is depleted, any remaining premium payments are the responsibility of the employee.
 - b. The twenty-five percent may be contributed to the employee's state 401(k) retirement account up to the maximum allowed by law, with any balance paid to the employee in cash, subject to applicable taxes and withholdings.

- c. The twenty-five percent may be paid to the employee in cash, subject to applicable taxes and withholdings.

Sick Leave Donation Program. Subject to the conditions of this policy, employees may choose to donate accrued sick time to other employees who 1) despite responsible and judicious management of their vacation and sick leave have used up all of their vacation and sick leave as a result of a major illness or serious medical condition and 2) who are otherwise eligible to accrue vacation time. **This donation policy is entirely voluntary and no employee shall be required to donate sick leave.**

The leave donation policy is designed to assist those employees who have responsibly managed their vacation and sick leave, but who nevertheless find themselves facing a serious illness or medical condition with no accrued leave left. Employees who have abused or misused the County's sick leave program are not eligible to receive donated vacation leave.

To receive sick leave donations, the following conditions shall apply:

1. The recipient cannot accrue donated sick leave and all donated sick leave shall be awarded on an as-needed basis;
2. The recipient shall apply to and receive approval from the Human Resource Director; and
 - a. Suffer from a major illness or serious medical condition that is not otherwise covered by Workers Compensation insurance and would qualify the employee for leave under the Family and Medical Leave Act.
 - b. Provide a certificate to the Human Resource Director from a licensed medical professional describing 1) the major illness or serious medical condition as well as its anticipated duration and 2) estimating when the employee may reasonably expect to return to work; and qualify the employee for leave under the Family and Medical Leave Act.
 - c. Deplete all of the recipient employee's own accrued comp time, vacation and sick leave.

To donate sick leave to an eligible recipient, the donor employee must:

1. Complete a leave donation form indicating the intended recipient and the amount of sick leave donated;
2. Donate only accrued sick leave;
3. Retain at least five (5) accrued sick leave days after the donation; and

4. Be an employee of Grand County who is currently eligible to accrue sick leave.

The following general conditions apply to the sick leave donation policy:

1. The maximum amount of donated leave an employee may receive in any calendar year is twelve (12) weeks. In extreme cases, however, the Grand County Council may extend the maximum leave an employee may receive.
2. The recipients of donated leave will:
 - a. Receive donated leave pay coinciding with normal pay periods;
 - b. Receive donated leave pay at their regular hourly rate; and
 - c. Accrue the same benefits as employees using their own sick leave.
3. In the event there are multiple donors to a single recipient, sick leave will be distributed in the following order: First, from the donors who gave the largest number of hours; and Second, chronologically, beginning with the earliest donation.
4. The Human Resource Director in consultation with the Department Manager/ Elected Official will determine eligibility for participating in the leave donation program.

Sick leave hours cannot be refunded to the donor once the hours have been donated.

The Human Resource Director keeps the official record of accrued sick leave and sick leave donations.

G. *Workers Compensation-All Employees*

County employees and volunteer workers who are injured in the course of their employment with the County are covered by Workers Compensation insurance that provides coverage for medical costs and wage compensation. Claims arising out of injuries occurring on the job are processed through Workman's Compensation insurance and not through the County Health Insurance program. Coverage is provided for actual medical costs within the provisions of the Workman's Compensation Act, and according to rulings of the State Industrial Council.

1. Reporting Requirements:
 - a. Employees injured on the job or who contract an occupational disease must report to their department head or supervisor immediately, no matter how slight the injury.
 - b. Supervisors must accompany the injured worker to a medical clinic specified by the County for initial treatment.
 - c. Supervisors must assure that the Employee's Report of Accident and the Supervisor's Report of Accident forms are submitted to the Human Resource Director within twenty-four (24) hours of the accident and the initial clinic visit.
 - d. The Human Resource Director will file the necessary information with the County's Worker Compensation carrier.
2. Return to Work.

The County strives to return injured employees to full employment as quickly as possible. The Human Resource Director will coordinate with an injured employee's supervisor/Elected Official and health care provider to determine whether the employee may undertake partial or limited work during recovery from the accident or illness. A limited work assignment is not intended to last indefinitely. Rather, a limited work assignment is temporary and designed to facilitate a return to full employment. Limited work assignments last only for a reasonable time at the County's discretion. Employees who are not making improvement toward returning to full employment are not eligible for limited work assignments. The availability of limited work assignments depends upon the availability of limited work within the employee's department as determined by the County.

H. Funeral Leave-Full-Time Employees

The County grants funeral leave to employees who suffer the death of a member of the immediate family, or a close relative. It is the intent of the County to be considerate of a County employee's special needs and to be supportive in the death of a loved one.

As a result of this consideration, the County may provide the individual with paid time off from work to attend the funeral and to fulfill other responsibilities before the funeral.

If an employee suffers the death of a close relative, and requests time off from work

during the period of bereavement, the Department Head/Elected Official may approve the request based on the following:

1. The necessity and appropriateness of having the time off. The employee should be attending the funeral and/or have certain responsibilities to fulfill before the funeral.
2. The amount of time off:
 - a. If the deceased was a member of the employee's immediate family (spouse, child or child of a spouse, parent or parent of a spouse, sibling or sibling of a spouse, brother or sister-in-law, grandparents, and grandchild or grandchild of a spouse), the employee may have paid time off up to five (5) days at any time between the death and the day of the funeral.
 - b. For other close relatives (aunt, uncle, niece, or nephew of either the employee or spouse) the employee may have paid time off for the day of the funeral.
3. The amount of funeral leave pay will be based on the employee's normal rate of pay and the number of hours in the normal workday. Employees may request additional days off and use accrued compensatory time, vacation leave, or leave without pay, as appropriate.
4. In the event of the death of a member of the immediate family while an employee is on vacation, the vacation will be extended by the amount of time normally authorized as outlined above.

I. Family and Medical Leave-Full-Time Employees

The County complies with all applicable requirements of the Family and Medical Leave Act of 1993 (FMLA).

The FMLA requires employers to provide up to twelve (12) weeks of unpaid, job protected leave to eligible employees for certain family and medical reasons. Employees are eligible if they have worked for Grand County for at least one (1) year, and for one thousand two-hundred and fifty (1,250) hours over the previous twelve (12) months.

Unpaid leave may be taken for any of the following reasons:

1. To care for the employee's child after birth, or placement for adoption or foster care.
2. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition.
3. For a serious health condition that makes the employee unable to perform the employee's job.

An employee's use of FMLA will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. However, the employee must first use any accrued paid vacation, compensatory time, and sick leave during the FMLA leave period. In calculating the twelve (12) week FMLA limit, all paid leave will be included.

The County has adopted the calendar year as the basis for determining FMLA eligibility. However the County retains the right to change the eligibility period when it is determined to be in the best interest of the County to do so in terms of administration.

Employees are required to provide advance leave notice where such advance need is known, and to provide medical certification to support the request for leave.

1. An employee should ordinarily provide thirty (30) days advance notice where the leave is foreseeable.
2. Whenever advance certification is required to support a request for leave because of a serious health condition. A second or third opinion may be required (at County expense).
3. A fitness certification may be required in order to return to work at the conclusion of the FMLA leave period.

Upon returning from FMLA leave, most employees will be reinstated to the same, or equivalent, position with equivalent pay, benefits, and other employment terms as previously provided. There will be no loss of benefits that accrue prior to the start of the employee's leave.

J. Administrative Leave With Pay-Full-Time Employees

The Human Resource Director, for the benefit of Grand County and upon recommendation from the Department Head/Elected Official, may grant an employee administrative leave without deducting the time from the employee's accumulated leave time. Accumulated comp time, however, must be used before administrative leave can be

granted.

1. An employee may be permitted to be absent on administrative leave for a period not to exceed ten successive workdays.
2. The Human Resource Director shall document the administrative leave in the employee's file. The employee's salary and benefits will not be reduced during the administrative leave period.
3. Administrative leave shall not be used during the absence of an employee for conferences, seminars, training, and other work-related education purposes. Administrative leave for work-related educational purposes shall be used only when the class is conducted during the employee's work hours and has been approved by the Department Head/Elected Official and the Human Resource Director.
4. The Human Resource Director may impose administrative leave pending the investigation of employee misconduct upon the following conditions:
 - a. The period of leave shall not be longer than is reasonably necessary to complete the investigation of the alleged misconduct and a decision can be made as to what disciplinary action, if any, will be taken;
 - b. The Human Resource Director has determined that the conduct of the employee endangers the peace and safety of others, poses a threat to the public interest, or poses a risk of legal liability to Grand County or its employees.
 - c. The imposition of administrative leave in and of itself shall not be noted in the employee's personnel file as a disciplinary measure unless an investigation of the employee's conduct determines that a violation of Grand County policies or state and federal law has occurred.

K. Leave Without Pay

The Department Head and Human Resource Director or Elected Official and Human Resource Director may grant an employee leave without pay upon submission of a written application for leave and approval. An employee may be granted continuous leave of absence without pay for any reason deemed by the Human Resource Director to be of benefit to the employee and the County for a period not to exceed twelve (12) months.

1. The following factors shall be considered in determining whether or not to recommend that an employee be granted leave without pay:
 - a. A negative impact resulting in the inability of other employees to absorb the increased workload;
 - b. Whether the position is one that is critical to the operation of the department/Office, and for which temporary replacement is impractical;
 - c. Willingness to fill the position on a temporary basis and time and cost of training a replacement;
 - d. Whether the employee's performance has been rated less than satisfactory; and
 - e. The length and frequency of prior leaves without pay.
2. Leave without pay that is granted for the purpose of enriching or developing employee skills is the most valid reason for approving the request.
3. Leave without pay shall not ordinarily be granted within the first year of service. Longevity, however, will not automatically qualify an employee for leave without pay.
4. An employee shall not be granted leave without pay unless it is expected that the employee will return to work following such leave.
5. No employee shall be granted leave without pay in conjunction with paid leave in order to allow continuation of benefits paid by the County or to extend paid leave over a longer period of time.
6. As warranted by unusual circumstances, and subject to the Human Resource Director's approval, employees may be allowed to take up to ten (10) days of leave without pay, even where annual and sick leave balances continue to exist.
7. An employee may take up to ten (10) consecutive working days of leave without pay per year without affecting eligibility dates for salary adjustments or for changes in the leave accrual rate. Any time taken beyond this limit shall result in an adjustment to such eligibility dates reflecting the amount of time away from the job.
8. Insurance benefits will be discontinued under leave without pay status

unless the employee pays the full premium personally. However, if an employee is in a leave without pay status because of a work related injury or illness, the County will pay the full cost of insurance premiums on behalf of the employee, if worker's compensation is the only source of income to the employee.

9. An employee who returns to active service on or before the expiration of leave, is entitled to a position in the same class, pay rate, seniority status, and accrued sick leave as the employee held at the commencement of leave.
10. An employee shall be granted military leave without pay for the period of active service plus travel time. Upon termination of the military duty, the employee must be restored to the previous position or a position similar in seniority, status and pay, providing application is made within 40 days of termination of the military duty. The employee must submit evidence of military service to be eligible for reinstatement.

L. Jury Duty

Every employee is entitled to a leave of absence when subpoenaed or ordered to appear as a juror or witness by the Federal Government, State of Utah, or political subdivision thereof. If the employee turns over the juror or witness fee to the Clerk/Auditor along with a copy of the subpoena, the County will pay the employee's regular County compensation. Travel time to or from juror or witness duty is also considered an approved absence, but the County will not pay for mileage regardless of whether the subpoena requires travel during work hours. Consequently, the employee need not turn mileage reimbursements to the County in order to be eligible for County compensation.

The County will not compensate employees for time off appearing in response to a subpoena for private litigation. Employees may elect to use vacation or compensatory time or may take time off without pay to appear in response to private subpoenas.

M. Military Leave

The County will grant paid leave to members of the armed forces reserve or National Guard for up to **eighty (80) hours** per year to respond to duty orders to **attend an extended training camp**. Absence due to military orders in excess of **eighty (80) hours** per year are considered approved absences, but are not paid by the County. However, employees may elect to apply accrued vacation time or compensatory time to any excess days. To be eligible for paid military leave, the employee should provide a copy of the order to duty to the Human Resource Director in advance. As a courtesy and to minimize disruption, the County requests that employees provide as much advance notice of

military leave to their supervisors as possible.

N. Education Assistance-Full-Time Employees

County employees are encouraged to seek further education to perform their jobs more effectively and to enhance their professional development. Grand County may subsidize the education expenses of County employees under specified circumstances. This policy is subject to availability of funds, and applies only to full-time employees.

1. Program Eligibility

- a. The education program must provide a benefit to the County by directly relating to the work the employee currently performs or will be required to perform.
- b. Unless otherwise approved by the Human Resource Director, assistance will only be granted to employees attending accredited universities, colleges, or technical schools.

2. Reimbursement

Education assistance shall not exceed \$500 in any one year and will be reimbursed from the Department's budget. Tuition costs shall not be carried into the next budget year for reimbursement.

3. Procedures

- a. Employees are encouraged to attend classes during non-working hours. In the alternative, the department/Elected Official head may flex an employee's work schedule to allow the employee to attend classes. Only in exceptional circumstances will an employee be granted administrative leave for classes.
- b. The Human Resource Director must receive applications for education assistance no later than six weeks prior to the beginning of the class.
- c. To receive education assistance, an employee must receive approval from the Human Resource Director prior to commencement of the class.
- d. To be reimbursed, the employee must complete the approved class with a final grade of "C" or better. If the course is only offered on a pass/fail basis, the employee must receive a passing grade.

- e. The employee must submit proof of a satisfactory grade and proof of tuition payment to the Human Resource Director prior to reimbursement. Reimbursement amounts shall appear as taxable income on the employee's paycheck.

4. **Required Classes**

If the County requires an employee to attend an education program or class, the County shall pay the full cost of the program or class.

O. Travel for County Business

The County authorizes travel in the performance of County business when the travel has been approved by the employee's Department Head/Elected Official. Grand County maintains a fleet of County owned vehicles for employee use on County business. Use of private vehicles for County related business is discouraged. **Mileage will only be reimbursed for use of personal vehicles if no County vehicle is available. All work related travel shall be in County owned vehicles as available unless approved in advance by the Department Head.** The County will pay for mileage, lodging and a per diem for travel authorized for County business. The amounts paid are determined from time to time by the Grand County Council. An employee's department Head/Elected Official must review and approve all travel allowance requests.

1. Mileage. The County will pay for mileage at a rate approved by the Grand County Council when an employee uses a personal vehicle for official County business outside normal travel to and from work. Please contact the Human Resource Director or the Clerk-Auditor's Office for the current mileage rate.
2. Per Diem. The County will pay per diem at a rate established by the Grand County Council for employees away from home on approved County business. Please contact the Human Resource Director or the Clerk-Auditor's Office for the current per diem rate.
3. Other Travel Expenses. The County will reimburse employees for other expenses, such as lodging or airfare, on approved County business trips. Please contact the Clerk/Auditor or Human Resource Director for details on the County policy relating to such expenses. Please contact the Elected Official or Department Head before arranging out of town travel. Grand County is not responsible for employee purchases for travel (including such payments as non-refundable deposits and travel tickets) unless such payments were pre-approved by the Elected Official or Department Head.

P. *Disclaimer*

Grand County reserves the right to make changes in benefits, providers, or other benefit issues at any time.

SECTION IX – WORK POLICIES-ALL EMPLOYEES

A. *Terminating County Employment*

An employee's employment with the County may terminate in different ways:

1. Resignation. Employees may resign at any time. However, as a courtesy, the County requests that employees give two weeks written notice so that the County has time to prepare final paperwork and arrange to assure a minimal disruption to County work.
2. De-facto Resignation. Employees who are absent from work for three (3) consecutive days and are capable of providing notice to their supervisor/department head/Elected Official, but fail to do so, are considered to have voluntarily resigned.
3. Reduction in Force. The purpose of this policy is to establish a uniform process for reducing the County's workforce due to a lack of funds, workload changes, organizational changes, or other conditions. This policy applies to all County employees.

a. Order of Reductions

Reductions in force may be undertaken within individual departments based on the following procedures. In all reduction in force procedures the order of separation shall be:

1. Temporary and seasonal employees;
2. Probationary employees;
3. Full-time employees by seniority within each position.

b. Seniority

Once employees in groups 1-3 above have been terminated from employment, reductions in force shall be based on seniority within specific departmental job classifications. Specifically, those employees with the least seniority within a class will be subject to layoff procedures before those with greater seniority.

c. Notification

The Human Resource Director shall give an employee separated due to a reduction in force a minimum of 14 working days written notification of separation and an opportunity for administrative review.

4. Termination. Just as employees may terminate their employment at any time, the County may terminate the employment relationship. Employees may be terminated as a result of poor performance, the violation of County policies, or other conduct incompatible with County service.

B. Exit Interview

All terminating employees should meet with the Human Resource Director at some point within the two weeks prior to leaving County employment for an exit interview. The exit interview helps the County accurately determine the amount of any benefits or wages outstanding as well as assisting the County to complete the necessary paperwork. An employee's final payment of wages, vacation time, or other amounts due may be delayed without an exit interview. If an employee fails to appear for an exit interview, the Human Resource Director shall note the failure in the employee's file.

C. Standards of Conduct

Grand County expects its employees to conduct themselves diligently and honorably in their assignments on behalf of the public. Employees should:

1. Work diligently on their assigned duties during their assigned work schedules.
2. Make prudent use of County funds, equipment, buildings, supplies, and time.
3. Work courteously with coworkers and the public.
4. Observe work place rules of conduct and safety.
5. Meet the standards of their individual job descriptions.
6. Report and correct circumstances that prevent employees from performing their jobs effectively or completing their assigned tasks.

D. Employee Discipline

Employees who violate County policy are subject to discipline. Depending upon the

circumstances, the County may transfer, suspend, reduce pay, demote, or terminate employees who violate County policy. Grounds for discipline may include, but are not limited to:

1. Inefficiency.
2. Incompetence.
3. Failure to maintain skills.
4. Inadequate performance levels.
5. Neglect of duty.
6. Misconduct.
7. Inability to work in harmony with coworkers.
8. Rudeness to the public.
9. Disobedience of a reasonable order of a supervisor.
10. Dishonesty.
11. Insubordination.
12. Misappropriation or damage to public funds or property.
13. Misuse of public funds or property.
14. Tardiness.
15. Unapproved absences.
16. Any act inimical to public service.
17. Felony convictions and other violations of state and federal law

This list is not exhaustive and is set forth as a guideline. This list should **not** be construed as preventing or limiting the County from taking disciplinary action, including termination, in circumstances where the County deems such action to be appropriate, regardless of whether the County has specifically identified a written rule or policy. Similarly, employees may be disciplined for violations of County policy found in other sections of this manual, violations of State or Federal law, or violations of relevant policies, rules or laws promulgated elsewhere.

Before implementing disciplinary action that may lead to termination, the employee's supervisor or department head shall review the circumstances with the Human Resource Director.

Eligible employees may appeal disciplinary action through the County's Dispute Resolution process.

E. Outside Employment

No County employees may engage in any outside employment or activity that impairs the performance of their duties or is detrimental to County service.

F. Absence Without Leave

No employee may be absent from duty without permission of the Department Head/Elected Official. All employees should notify their Department Head/Elected Official prior to an absence. In emergency situations where prior notification is not possible, the employee should notify their supervisor/Elected Official as soon as possible.

If a pattern (two or more) of unexplained or unexcused absences develops, employees may be subject to a disciplinary action, including termination.

G. Garnishments

The County encourages its employees to manage their financial affairs responsibly and wisely. A wage garnishment against a County employee reflects poorly upon the employee and imposes administrative expenses on the County. Employees whose wages are garnished should discuss the matter with their department head/ Elected Official and arrange to pay off the judgment as soon as possible. Under Utah law, the County will not discipline any employee whose earnings have been subject to garnishment "in connection with any one judgment." Utah Code Ann. § 70C-7-104 (1953, as amended). However, the County may take disciplinary action if an employee is subject to garnishment for more than one judgment.

H. Work Hours

All full-time County employees are expected to work their assigned schedule.

1. Hours in most County offices are from 8:00 a.m. until 5:00 p.m. unless

modified by action of the Grand County Council, Elected Official or the Department Head.

2. Each employee is allowed a one (1) hour lunch period. The employee's actual lunch hour will be determined by the Department Head/Elected Official. Employees are normally expected to be present during all other work hours unless special arrangements are made with the Department Head/Elected Official from time to time for cause.
3. Generally, employees are not allowed to skip their lunch hour to leave work early.

I. Work Interruptions

On occasions when there is an interruption of work for causes outside the control of the County, employees will be compensated for the entire day of the occurrence, regardless of the time released from work.

On the day following the occurrence or interruption, employees are expected to report to work at their regularly scheduled start time, unless otherwise notified by their Department Head/Elected Official or Supervisor. Such notification should be initiated no later than one (1) hour prior to the regular start time. Reasonable diligence to make contact is the responsibility of both the Elected Official/Department Head, or Supervisor, and the employee. If no such notification is made, there will be no compensation for that workday. If no such notification is made, the employee is expected to report to their regular work station at the appointed start time.

J. Political Activity

Grand County complies with the Federal Hatch Act regulation activities. Unless otherwise prevented by law, County employees may voluntarily participate in political activity subject to the following provisions:

1. No person will be denied the opportunity to become an applicant for a County position by virtue of political opinion or affiliation.
2. No full or part-time employee may be dismissed from service as a result of political opinion or affiliation.
3. County employees may voluntarily contribute funds to political groups and become candidates for public office.

4. No County officer or employee, whether elected or appointed, may directly or indirectly coerce, command, or advise any employee to pay, lend, or contribute part of his or her salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes. No County officer or employee, whether elected or appointed, may attempt to make any officer's or employee's personnel status dependent upon the employee's support or lack of support for any political party, committee, organization, agency, or person engaged in political activity.
5. No officer or employee may engage in any political activity during the hours of employment nor may any person solicit political contributions from County employees during hours of employment for political purposes, but nothing in this section shall preclude voluntary contributions by a County employee to the party or candidate of the employee's choice.
6. Nothing in this rule shall be construed to permit partisan political activity of any County employee who is prevented or restricted from engaging in such political activity by the provision of the federal Hatch Act.

K. Drug Free Workplace

Amended: 12/04/2007 Resolution#:2805

Summary

Grand County believes that a healthy and productive work force, safe working conditions free from the effects of drugs and alcohol, and maintenance of the quality of services are important not only to the County but also to the employees, volunteers and the general public. The abuse of drugs creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of services. Grand County employees, including Elected Officials, must hold themselves and be held to high professional standards during the course of their employment. Unlawful substance abuse does not meet such standards of employment. The purpose of this Policy is to allow employees who abuse alcohol and drugs an opportunity to identify their problems and be referred to treatment without loss of employment. However, those who fail to do so and are subsequently convicted of a criminal offense involving drugs or unlawful driving while under the influence of alcohol or drugs or violate any section of this policy shall be placed on probationary employment, pending successful completion of a treatment program. A second policy violation may result in immediate termination of employment. Consequences of policy violations by Elected Officials are subject to statutory provisions

of the Utah Code.

Definitions

1. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
2. "Alcohol concentration (or content)" means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by denial breath testing device and blood shall be based upon grams of alcohol per 100 milliliters of blood.
3. "Alcohol use" means the consumption of any beverage mixture or preparation
4. "Convicted" means finding of guilt by any judicial body charged with the responsibility to determine violations of federal or state alcohol and criminal drug statutes.
5. "Criminal offense" means a criminal offense involving the manufacture, sale, distribution, possession with intent to sell or distribute, or possession or use of any drug or alcohol.
6. "Drug" means any substance recognized as a drug in the United States Pharmacopeia, the National Formulary, the Homeopathic Pharmacopeia, or other drug compendia, including Title 58, Chapter 37, Utah Controlled Substances Act, or supplement to any of those compendia.
7. "Drug testing" means the scientific analysis for the presence of drugs or their metabolites in the human body in accordance with the definitions and terms of this chapter.
8. "Elected Official" means any person elected to serve in a county office according and subject to provisions of the Utah Code.
9. "Employee" means any person employed on a full-time, part-time, temporary, or intermittent basis by Grand County.
10. "Prospective employee" means any person who has made a written or oral application to become an employee of the County.
11. "Random testing" means the unannounced drug testing of an employee or volunteer who was selected for testing by using a method uninfluenced by any personal characteristics other than job category.
12. "Reasonable suspicion for drug testing" means an articulated belief based on

the recorded specific facts and reasonable inferences drawn from those facts that a County employee or volunteer is in violation of the drug-free workplace policy.

13. "Rehabilitation testing" means unannounced but pre-selected drug testing done as part of a program of counseling, education, and treatment of an employee or volunteer in conjunction with the drug-free workplace policy.
14. "Safety sensitive position" means any County position involving duties which directly affect the safety of governmental employees, the general public, or positions where there is access to controlled substances, as defined in Title 58, Chapter 37, Utah Controlled Substances Act, during the course of performing job duties.
15. "Sample" usually means urine but may include blood, breath, saliva, and/or hair.
16. "Volunteer" means any person who donates services as authorized by the County without pay or other compensation except expenses actually and reasonably incurred and includes members of County boards.

Responsibility of Employees, Prospective Employees, & Volunteers

No employee or volunteer shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, prescription medication, or alcohol. No employee or volunteer shall consume alcohol during work hours while at work, during breaks, during lunch and immediately before reporting to work or being subject to work (specifically while on-call). No employee or volunteer shall be impaired by alcohol (.02 or higher blood or breath alcohol concentration), illegal drugs, or medication during work hours. No employee or volunteer shall represent the County in an official capacity while impaired by alcohol, illegal drugs, or medication.

Any employee or volunteer convicted under a federal, state, or local statute regulating controlled substances or alcohol shall notify his or her Department Head/Elected Official and/or the Human Resource Director within five (5) days after such conviction.

If an employee, volunteer or Elected Official is using medication that may impair performance of duties, the employee or volunteer shall report that fact to his or her Department Head/Elected Official and/or the Human Resource Director.

No employee or volunteer using medication that may impair performance shall operate a motor vehicle including heavy equipment on behalf of the County.

Prospective employees and prospective volunteers shall submit before employment begins a sample for testing or retesting that is free from tampering as instructed by

the Human Resource Director in the new employee/volunteer orientation packet.

Employees or volunteers shall submit a sample for testing or retesting as instructed by their Department Head/Elected Official or Human Resource Director or within 8 hours for the purposes of rehabilitation testing, post accident and reasonable suspicion testing.

Employees assigned to or performing CDL or safety sensitive duties are subject to random drug/alcohol testing and when selected and notified will be escorted immediately to the testing facility by the Department Head/Elected Official.

Testing

The County may conduct drug testing under the following circumstances:

1. Pre-employment hiring or volunteer selection procedures;
2. Post accident investigations;
3. Reasonable suspicion situations;
4. Rehabilitation programs;
5. Random testing in safety sensitive positions; or to comply with the federal Drug Free Workplace Act of 1988 or other federally required drug policies.

All employees are subject to the following testing:

1. Pre-Employment Testing. Prior to actual hiring, a prospective employee must pass a pre-employment drug and alcohol test.
2. Reasonable Suspicion Testing. An employee must submit to a drug and/or alcohol test when there is reasonable suspicion to believe that the employee has violated this Policy. The determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee and must be initiated by a Department Head/Elected Official or other person that has completed the required training for initiating reasonable suspicion testing. The Department Head/Elected Official or other person shall review the documented observations with at least one other trained Department Head/Elected Official and/or Human Resource Director before making a recommendation for testing.
3. Post-Accident Testing. As soon as possible (not to exceed 8 hours) following an accident resulting in a fatality, damage to County property or an employee seeking medical attention away from the work site.

4. Random testing based on employee assignment to a safety sensitive position or duties requiring a CDL.

All volunteers are subject to the following testing:

1. Pre-Employment Testing. Prior to actual selection for a volunteer position, a prospective volunteer must pass a pre-employment drug test for the purposes of qualifying to provide volunteer services.
2. Reasonable Suspicion Testing. A volunteer must submit to a drug and/or alcohol test when there is reasonable suspicion to believe that the volunteer has violated this Policy. The determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee and must be initiated by a Department Head/Elected Official or other person that has completed the required training for initiating reasonable suspicion testing. The Department Head/Elected Official or other person shall review the documented observations with at least one other trained Department Head/Elected Official and/or Human Resource Director before making a recommendation for testing.
3. Post-Accident Testing. As soon as possible (not to exceed 8 hours) following an accident resulting in a fatality, damage to County property or an employee seeking medical attention away from the work site.

Elected Officials are subject to the following testing:

1. Reasonable Suspicion Testing. An Elected Official must submit to a drug and/or alcohol test when there is reasonable suspicion to believe that the official has violated this Policy. The determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee and must be initiated by a Department Head/Elected Official or other person that has completed the required training for initiating reasonable suspicion testing. The Department Head/Elected Official or other person shall review the documented observations with at least one other trained Department Head/Elected Official and/or Human Resource Director before making a recommendation for testing.
2. Post-Accident Testing. As soon as possible (not to exceed 8 hours) following an accident resulting in a fatality, damage to County property or an Elected Official seeking medical attention away from the work site.

The collection and testing of samples shall be conducted in accordance with Utah law which includes random testing of employees who hold a Commercial Drivers License (CDL) and not necessarily limited to circumstances where there are indications of individual, job-related impairment of an employee or volunteer

An employee, prospective employee, volunteer, or prospective volunteer shall submit a sample which may include one of the following: urine, blood, breath, saliva, or hair. Urine samples shall be a split urine sample consisting of at least 45 ml of urine. The urine shall be divided into two specimen bottles, with at least 30 ml of urine in one bottle and at least 15 ml of urine in the other. If the test results of the 30 ml urine sample indicate the presence of drugs, the donor of the test shall have 72 hours from the time he or she is so notified to request, at his or her option that the 15 ml urine sample be tested for the indicated drugs, the expense of which shall be paid for by the County.

The County shall ensure that:

1. all sample collection under this policy is performed by an entity independent of the local government;
2. all testing for drugs under this policy is performed by an independent laboratory certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration or the College of American Pathology;
3. the instructions, chain of custody forms, and collection kits, including bottles and seals, used for sample collection are prepared by an independent laboratory certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration or the College of American Pathology; and
4. sample collection and testing for drugs under this chapter is in accordance with Utah law.

The County may:

1. require samples from its employees, volunteers, prospective employees, or prospective volunteers;
2. require presentation of reliable identification to the person collecting the samples; and
3. in order to dependably test for the presence of drugs, designate the type of sample to be used for testing as per this policy.

The County requires the following from the independent laboratory:

1. The collection of samples is performed under reasonable and sanitary conditions;
2. Samples are collected and tested:

- a. to ensure the privacy of the individual being tested; and
 - b. in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples.
3. Sample collection is appropriately documented to ensure that:
 - a. samples are labeled and sealed to reasonably preclude the probability of erroneous identification of test results; and
 - b. employees, volunteers, prospective employees, or prospective volunteers have the opportunity to provide notification of any information considered relevant to the test, including identification of currently or recently used prescription or nonprescription drugs or other relevant medical information.
4. Sample collection, storage, and transportation to the place of testing are performed in a manner that reasonably precludes the probability of sample misidentification, contamination, or adulteration; and
5. Sample testing conforms to scientifically accepted analytical methods and procedures.

Before the result of any test may be used as a basis for any action by the County, the County shall verify or confirm any positive initial screening test by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable analytical methods and shall provide that the employee, prospective employee, volunteer, or prospective volunteer be notified as soon as possible by telephone or in writing at the last-known address or telephone number of the result of the initial test, if it is positive, and be notified of the option to have the 15 ml urine sample tested at the expense of the County.

Any drug testing by the County shall occur before, during or immediately after the regular work period of the employee or volunteer and shall be considered as work time for purposes of compensation and benefits.

The County shall pay all costs of sample collection and testing for drugs required under this policy, including the costs of transportation if the testing of a current employee or volunteer is conducted at a place other than the workplace.

Disciplinary and Corrective Action

In the event of a verified or confirmed positive drug test result or if an employee, volunteer, prospective employee, or prospective volunteer refuses to provide a sample in accordance with this policy, or tampers with a sample, or otherwise violates this policy, the County may use that test result, refusal, or violation as the basis for

imposing any disciplinary and corrective actions authorized by this section, including:

1. require the employee or volunteer to enroll in a certified or accredited rehabilitation, treatment, or counseling and educational program, approved by the County as a condition of continued employment or volunteer service at the individuals expense;
2. suspend the employee with or without pay for a period of time;
3. suspend the volunteer;
4. terminate the employment or voluntary services;
5. refuse to hire a prospective employee or use the services of a volunteer;
6. impose disciplinary measures in conformance with other County employment policy and procedures and
7. if an Elected Official, will be subject to the procedures of statutory provisions of the Utah Code.

Upon taking disciplinary or corrective action, the Department Head/Elected Official and Human Resource Director shall prepare a written report stating the reasons for the action pursuant to other County employment policy and procedures.

An employee or volunteer impaired by illegal drugs or alcohol during work hours shall be relieved from duty and employees shall use accumulated leave for the absence. An employee or volunteer impaired by prescription medication during work hours may be relieved from duty and employees shall use accumulated leave for the absence and/ or a Department Head/Elected Official may change an employee or volunteer's assignment while the employee or volunteer is using prescription medication, so long as the employee or volunteer's performance of the new assignment will not be impaired by the medication or adversely affect the health and safety of other employees or citizens of Grand County.

If an employee or volunteer is required by the Department Head/Elected Official or Human Resource Director to enroll in a rehabilitation or treatment program as a condition of continued employment or volunteer status the employee or volunteer shall:

1. participate in the rehabilitation or treatment program at the employee or volunteer's expense;
2. if an employee, use accumulated leave consistent with the sick leave policy for any absence;

3. sign a release to allow communication between the Human Resource Director and the treatment provider. All such communication shall be maintained in a confidential file separate from the employee or volunteer's personnel file by the Human Resource Director.
4. provide documentation of successful completion of the treatment program

The Department Head/Elected Official may change an employee's or volunteer's assignment while the employee or volunteer is enrolled in a rehabilitation or treatment program at the County's discretion or if recommended by the employee's or volunteer's health care provider.

After the employee's or volunteer's successful completion of the rehabilitation or treatment program, the Department Head/Elected Official, in consultation with the Human Resource Director, shall reinstate the employee or volunteer to the employee's or volunteer's former or equivalent position within the same department/office or another department/office. If an employee's or volunteer's health care provider states the employee or volunteer may not perform the assigned duties of a position the Department Head/Elected Official, in consultation with the Human Resource Director, may reassign an employee or volunteer returning from treatment to another position which may or may not be equivalent the employee's or volunteer's former position. A Department Head/Elected Official, in consultation with the Human Resource Director, may dismiss an employee or volunteer who refuses to enroll in a treatment program, fails to successfully complete the program, or fails to provide documentation of completion.

If a Department Head/Elected Official has reason to believe that an employee or volunteer may be continuing to abuse an illegal drug, medication, or alcohol, the Department Head/Elected Official, in consultation with the Human Resource Director, may refer the employee or volunteer for rehabilitation testing to be paid for by the County. If the results of the rehabilitation tests are positive the employee or volunteer may be terminated from their position.

Limitations

An employee, volunteer, prospective employee, or prospective volunteer whose drug test results are verified or confirmed as positive shall not, by virtue of those results alone, be defined as disabled for purposes of the Utah Antidiscrimination Act; or the Americans with Disabilities Act of 1990.

A physician-patient relationship is not created between an employee, volunteer, prospective employee, or prospective volunteer, and the County, solely by the establishment of a drug testing program in the workplace.

L. Sexual Harassment Prohibited-All Employees

Grand County does not tolerate sexual harassment. Sexual harassment is a form of employee misconduct that interferes with workplace productivity and wrongfully deprives employees of the opportunity to work in an environment free from a harassing or sexually charged atmosphere. Offenders are subject to discipline, up to and including termination.

All employees are responsible for ensuring that the workplace is free from all forms of sexual harassment.

1. Sexual harassment encompasses a wide range of behaviors, including sexual attention, sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature.
2. Examples of sexual harassment may include, but are not limited to the following:
 - a. Implying or threatening adverse employment actions if sexual favors are not granted.
 - b. Promising preferential treatment in return for sexual favors.
 - c. Subtle pressure for sexual activity.
 - d. Inappropriate touching of any individual i.e. petting, pinching, hugging, or repeated brushing against another employee's body.
 - e. Offensive remarks, including unwelcome comments about appearance, obscene jokes, or other inappropriate use of sexually explicit or offensive language
 - f. The display of sexually suggestive objects or pictures.
 - g. Disparaging remarks about a person's gender.
 - h. Spreading stories about a person's sexual conduct.
 - i. Questions about a person's sexual activity.
 - j. Physical aggression such as pinching or patting.
 - k. Verbal sexual abuse disguised as humor.
 - l. Obscene gestures.

- m. Horseplay or bantering of a sexual or off-color nature.
 - n. Other actions of a sexual nature that affect the terms and conditions of a person's employment.
 - o. Conduct or comments consistently targeted at only one gender, even if the content is not sexual.
3. The County considers prompt reporting of harassment to be a condition of your employment. If you believe that you have experienced or witnessed sexual harassment, you must immediately report your concern to your Department Head/Elected Official. If you feel uncomfortable reporting to your Department Head/Elected Official, contact the Human Resource Director.

If you report to your Department Head/Elected Official and no action is taken within a reasonable time, it is your duty to report to the Human Resource Director.

- 4. The County will not retaliate against any person who reports sexual harassment.
- 5. The County will investigate allegations of sexual harassment and will take appropriate action against any person found to have violated this policy. Individuals who engage in sexual harassment are subject to discipline, which may include, but is not limited to reprimand, reassignment, suspension, demotion, termination, or other sanctions.

M. Harassment Based on Other Protected Categories Prohibited-All Employees

The County believes that a workplace free from hostile, intimidating, or offensive behavior is the most productive workforce. Employees should use courtesy and common sense when interacting with coworkers. Employees who harass others based upon their color, national origin, age, religion or disability are subject to discipline, up to and including termination. All employees should work together in a professional manner with courteous, mutual respect.

Harassment based on color, national origin, age, religion or disability encompasses a wide range of behaviors, including racially based derogatory comments, taunting, or treatment. Examples of racial harassment may include, but are not limited to, the following:

1. Slurs or put-downs based on color, national origin, age, religion or disability.
2. Materials such as cartoons or e-mails making fun based on color, national origin, age, religion or disability.

The County considers prompt reporting of harassment to be a condition of your employment. If you believe that you have experienced or witnessed harassment based on color, national origin, age, religion or disability, you must immediately report your concern to your Department Head/Elected Official. If you feel uncomfortable reporting to your Department Head/Elected Official, contact the Human Resource Director, or a member of the Grand County Council.

If you report to your Department Head/Elected Official and no action is taken within a reasonable time, it is your duty to report to the Human Resource Director. The County will not retaliate against any person who reports harassment based on color, national origin, age, religion or disability.

The County will investigate allegations of racial or sexual harassment and will take appropriate action against any person found to have violated this policy. Individuals who engage in racial or sexual harassment are subject to discipline, which may include, but is not limited to reprimand, reassignment, suspension, demotion, termination, or other sanctions

N. Workplace Violence-All Employees

The County opposes and strictly forbids any form of violence or threats of violence in the workplace. Individuals who engage in violence, or threats of violence, are subject to discipline which may include, but is not limited to, termination. If you are subject to violence, or threats of violence in the workplace, immediately report the incident to your supervisor or Department Head/Elected Official. If you are uncomfortable reporting to your supervisor or Department Head/Elected Official, contact the Human Resource Director, or a member of the Grand County Council.

The County will investigate all threats of violence and will take appropriate action against the offender when warranted, up to and including termination of employment. The County will not retaliate against any person who reports threats or acts of violence.

O. Clean Air Policy-All Employees

Grand County complies with the Utah Indoor Clean Air Act (Utah Code Annotated Chapter 38). To ensure the safety and health of all County employees, the County has implemented a tobacco use policy. State and Federal regulatory agencies have

recognized that tobacco smoke is harmful to the health of smokers and non-smokers, especially those with allergies, respiratory or cardiovascular diseases. All employees have a right to be protected from the toxic effects and discomfort caused by exposure to second hand smoke.

1. Therefore, the use of tobacco products is not permitted within County offices or buildings. Use of tobacco is permitted only in areas at least twenty-five (25) feet from any building entrance.
2. Smoking in County vehicles is prohibited.
3. Employees who are aware of other employees violating this policy should contact their supervisor or Department Head/Elected Official, who will investigate the situation.

Employees who violate this policy are subject to disciplinary action.

P. Computer & E-mail Usage-All Employees

The County also recognizes that excessive personal use of County-owned computers during work hours can affect productivity. **Grand County reserves the right to monitor County computer usage, files stored on County computers, and internet usage.**

For purposes of this policy, “files” means all documents, programs, e-mail, and Internet locations that are created, accessed, stored, or temporarily located on a County computer.

Personal Use. Employees may use assigned computers for limited personal purposes. This approval is similar to the occasional personal use of telephones during breaks. Excessive use of the computer for personal reasons is not allowed.

Inappropriate Usage. Employees are not allowed to use a computer for self-employment, or outside employment purposes. Entering or maintaining information on a County computer that is in violation of the Grand County Policies and Procedures, or that violates state or federal law, is prohibited.

Privacy. All files created, accessed, or stored on a County computer are considered County property. Department Heads/Elected Officials are allowed to review files on computers in their departments/Offices. Employees are advised that there is no right to privacy when using a County Computer.

Licenses. Employees shall use computer software only in accordance with the license agreement. Copying software licensed to, or developed by, Grand County for home

computer use or any other purpose is prohibited. Bringing software from home computers to run on Grand County computers is also prohibited.

Equipment. Only authorized employees may purchase, move, alter, or repair computer equipment and wiring.

E-mail. Employees may use the County's e-mail functions as explained above.

Internet Access. Internet usage is limited to County business. Employees are prohibited from accessing inappropriate web sites on County computers. Examples of inappropriate websites include, but are not limited to, sites that promote violence, illegal activity, or contain pornography.

Disciplinary Action. Employees using County computers in an unauthorized or inappropriate manner may be disciplined. Discipline may include termination.

Q. Seat Belt Use-All Employees

Utah Law requires the use of seat belts of all occupants in County vehicles.

R. Cell Phone Use-All Employees

Amended: 07/07/2009 Resolution#:2897

- A. Elected Officials, Department Heads, and other employees, *if required* by their Elected Official or department head, shall have a cellular telephone which is owned by the employee, not Grand County.
- B. Elected Officials, department heads, and employees required by their Elected Official or department head to possess a cellular telephone shall elect by December 15th of each year whether to receive reimbursement for their cellular telephone use or to receive a monthly allowance for cellular telephone use.
- C. If the monthly allowance of cellular telephone use is elected, then the amount of allowance shall be set by the applicable Elected Official or department head. The amount of the allowance shall be reviewed upon request of the employee or applicable Elected Official or department head to determine if the allowance amount is appropriate. The amount of the allowance may be considered taxable income under the IRS guidelines.
- D. If reimbursement for cellular telephone use is elected, then a Grand

County Expense Report must be submitted monthly and accompanied by a copy of your cellular telephone bill with all Grand County related calls clearly marked and substantiated.

- E. Cellular Telephone Allowance (to be reviewed annually):
 1. \$40.00 per month for employees required to have a cellular telephone
 2. \$60.00 per month for Elected Officials, department heads and supervisors required to have a cellular telephone.
 3. \$90.00 per month Elected Officials, department heads and supervisors required to have a cellular telephone.

SECTION X – PURCHASING POLICY-ALL EMPLOYEES

A. General Provisions

See Attachment A - Council-approved memo of 6/4/09 regarding buying locally.

Compliance – Exemptions from this policy

- a. This policy shall apply to all County Departments and offices.
- b. This policy shall not prevent the County from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.
- c. When procurement involves the expenditure of federal assistance funds, the County shall comply with applicable federal laws and regulations.
- d. Emergency procurement: Notwithstanding any other provision of this Ordinance, when there exists a threat to public health, welfare or safety under emergency conditions, the County Council, or the Purchasing Agent, may make or authorize others to make emergency procurement. A written determination of the basis for the emergency and for the selection of the particular contractor or vendor shall be included in the contract file.

B. Office of the Purchasing Agent

The County Administrator shall be the Purchasing Agent. The Purchasing Agent shall have the authority to undertake procurement, solicit bids and proposals, enter into and administer contracts, and make written determinations for the County with respect thereto, to coordinate and evaluate the performance of consultants and contractors, and to supervise County purchasing functions.

C. Source Selection and Contact Information – General Provisions

1. **Purchases not requiring sealed bids.**
 - a. Purchases costing less than \$2000 in total shall not require bids of any type. (Purchase shall not be artificially divided so as to constitute a small purchase under this section.)

- b. Purchases costing more than \$2000 but less than \$10,000 in total shall require three (3) telephone bids.
- c. Purchases made through the cooperative purchasing contracts administered by the State Division of Purchasing.
- d. Purchases made from a single-source provider.
- e. Purchases require during an emergency. However, as much competition as practical should be obtained; and, such purchases should be limited to amounts necessary to the resolution of the emergency.

2. Purchasing requiring sealed bids

- a. Contracts shall be awarded by competitive sealed bidding except as otherwise provided by this policy.
- b. An invitation for bids shall be issued when a contract is to be awarded by competitive sealed bidding. The invitation shall include a purchasing description and all contractual terms and conditions applicable to the procurement. Public notice of the invitation for bids shall be given at least twenty-one (21) days prior to the date set forth therein for the opening of bids. The notice may include publication in a newspaper of general circulation.
- c. Any procurement (to include construction projects) in excess of \$10,000 shall require a sealed bid and legal notice in a local newspaper of general circulation.
- d. Bids shall be opened publicly by the Purchasing Agent in the presence of at least one witness at the time and place designated in bid invitation. The amount of each bid and any other relevant information, and the name of each bidder be recorded. The record and each bid shall be open in public inspection.
- e. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this policy. Bids shall be evaluated based on the requirements set forth in the invitation for bids.
- g. Correction or withdrawal or inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted. After bid opening no changes in bid prices or other provision of bids prejudicial to the interest of the County or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid

mistakes shall be supported by a written determination made by the purchasing agent. Upon approval by the County Council, the contract shall be awarded with reasonable promptness, by written notice, to the bidder whose bid most closely meets the requirements and criteria set forth in the invitation for bids.

D. Cancellation and rejection of bids

An invitation of bids, a request for proposals, or other solicitation may be canceled, or any or all bids or proposals may be rejected, in whole or part, as may be specified in the solicitation, when it is in the best interest of the County. The reason shall be made part of the contract file.

E. Use of competitive sealed proposals in lieu of bids

When the purchasing agent determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the County, a contract may be entered into by competitive sealed proposals. Competitive sealed proposals are most appropriately used for professional service-type contracts.

1. Proposals shall be solicited through a request for proposals. Publish notice of the request for proposals shall be given at least thirty (30) days prior to the advertised date of the opening of the proposals.
2. Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals shall be prepared and shall be open for public inspection after contract award.
3. The request for proposals shall state the relative importance of price and other evaluating factors.
4. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revisions may be requested of all or of a “short list” of offerors after submission and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived for proposals submitted by competing offerors.
5. Award shall be made to the person whose proposal is determined, in writing, to be the most advantageous to the County, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on

which the award is made.

F Architect-Engineer Services

Architect-Engineer services are qualification-based procurement. Requests for such services should be publicly announced. Contracts should be negotiated by the County based on demonstrated competence at fair and reasonable prices.

G. Pre-qualification of Suppliers

Prospective suppliers may be pre-qualified for particular types of supplies, services, or construction. Solicitation mailing lists of potential contractors shall include, but shall not be limited to pre-qualified suppliers.

H. Bulk Purchasing

Annual contracts may be entered into for the provision of bulk materials and supplies when it is determined that such contracts will be cost effective. Such contracts shall be awarded on the basis of competitive sealed bids.

I. Determination of non-responsibility of bidder

Determination of non-responsibility of a bidder or offeror shall be made in writing. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of non-responsibility with respect to the bidder or offeror. Information furnished by a bidder or offeror pursuant to this section shall not be disclosed outside of the purchasing division without prior written consent by the bidder or offer.

J. Cost-plus-a-percentage-of-cost contracts prohibited

Subject to the limitations of this section, any type of contract which will promote the best interest of the County, may be used, provided that the sum of a cost-plus-a-percentage-of-cost contract is prohibited. A cost-reimbursement contract may be used only when a determination is made in writing that such contract is likely to be less costly to the County than any other type or that it is impractical to obtain the supplies, services, or construction required except under such a contract.

K. Required contract clauses

1. The unilateral right of the County to order, in writing, changes in the work within the scope of the contract and changes in the time of performance of the contract that do not alter the scope of the contract work.
2. Variations occurring between estimated quantities of work in a contract and actual quantities.
3. Suspension of work ordered by the County.
4. Upon the award of all construction contracts, the following bonds or security shall be delivered to the County:
 - a. A performance bond in an amount equal to 100% of the contract price;
 - b. A payment bond in an amount equal to 100% of the contract price to serve as protection of all persons or companies supplying labor and/or material to the contractor or its subcontractors for the performance of the contract.

L. Specifications

All specifications shall seek to promote overall economy and best use for the purpose intended and encourage competition in satisfying the County's needs, and shall not be unduly restrictive. Where practical and reasonable, and within the scope of this article, Utah products and local vendors shall be given preference. Specifically, County Departments are encouraged to determine whether or not local merchants can meet prices quoted by out-of-County vendors. The purchasing agent is not required to purchase goods at the lowest price if there is an offsetting or added expense for travel, shipping, or other inconveniences associated with as out-of-County purchase.

M. Appeals

1. Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may appeal to the purchasing agent. An appeal shall be submitted in writing within five (5) working days after the aggrieved person knows or should have known the facts.
2. The purchasing agent shall promptly issue a written decision regarding any appeal, if it is not settled by a mutual agreement. The decision shall state the reasons for the action taken and inform the protestor, contractor, or prospective contractor of the right to the governing board.

3. The County's governing board shall be the final appeal on the County level.
4. All further appeals shall be handled as provided in Section 63-56-58 through 64 of the Utah Code

N. Ethics in Public Contracting

1. No person involved in making procurement decisions may have personal investments in any business entity that will create a substantial conflict between their private interests and their public duties.
2. Any person involved in making procurement decisions is guilty of a felony if the person asks, receives, or offers to receive any emolument, gratuity, contribution, loan, or reward, or any promise thereof, either for the person's own use or the use of benefit of any other person or organization interested in selling to the County.

SECTION XI - DISPUTE RESOLUTION PROCESS

A. *Dispute Resolution Philosophy*

The County encourages its employees to work to resolve disputes amicably and informally. When a dispute arises regarding suspension, transfer, demotion, or dismissal, full-time employees may seek redress through the dispute resolution process. When a dispute arises regarding unlawful discrimination, all employees may seek redress through the dispute resolution process. The following definitions apply to the dispute resolution process:

1. Suspension. An absence imposed as discipline, without pay, which may or may not result in further disciplinary action.
2. Transfer. An involuntary job assignment change from one department to another.
3. Demotion. A job classification change to a lower grade.
4. Dismissal. Involuntary termination from County employment.
5. Unlawful Discrimination. A claim of discriminatory treatment based on a protected category such as race, color, national origin, sex, age, disability, or religion.

This dispute resolution process is intended to foster fair resolution of employee disputes. Therefore, procedure should not override efforts to amicably resolve differences. However, in order to expeditiously resolve disputes and minimize interference with the public's business, matters of timing should be adhered to unless good cause is shown or the parties agree to extensions.

The County prohibits retaliation against employees who utilize the dispute resolution process. Employees with questions regarding how the dispute resolution process works may seek counseling from the Human Resource Director regarding procedure; however, the Human Resource Director cannot comment or provide advice on the substantive issues in dispute. Employees may select a representative of their choice to represent them at any stage of the dispute resolution process.

The County urges employees to attempt to resolve disputes informally with their supervisors or department heads directly. Before launching a formal review with a department head, employees should attempt to resolve disputes by dealing directly with the individuals involved. However, the County recognizes that there are

circumstances where employees may feel uncomfortable addressing issues directly with a supervisor. In such cases, employees may proceed directly to the next step of the dispute resolution process.

B. Dispute Resolution Procedure

The County's dispute resolution process involves three steps. Employees who are unhappy with the outcome of any step may proceed to the next step in the process. Step one of the dispute resolution process must be commenced within 30 calendar days of the event giving rise to the dispute or within 30 calendar days of the time the employee reasonably should have known of the event giving rise to the dispute.

- Step One: Department Head Review
 - Step Two: Human Resource Director Review
 - Step Three: Grand County Council Review
1. Department Head Review. If a dispute remains unresolved after an informal attempt to work out a solution, an employee may file a written appeal with the department head stating the basis of the dispute and outlining the employee's position. The department head has ten working days to respond to the employee's dispute.
 2. Human Resource Director Review. If the employee so chooses, the employee can appeal the decision of the department head to the Human Resource Director. The Human Resource Director has ten working days to make a determination on the appeal in writing.
 3. Grand County Council Review. If the employee is unsatisfied with the outcome of the Human Resource Director review, or if the Human Resource Director fails to respond within ten working days, the employee has ten working days from the receipt of the Human Resource Director's response, or the date the Director should have responded, to file a written appeal with the Grand County Council. The Grand County Council may request additional information from the parties involved and, at its discretion, may hold an informal hearing attended by the parties. If the Council elects to hold a hearing, the Council will issue a written decision to the parties within fifteen working days from the hearing date. If the Council elects not to hold a hearing, the Council will issue a written decision within fifteen working days of receipt of the last additional information requested by the Council from the parties.

SECTION XII – GRAND COUNTY COUNCIL APPROVAL

The Grand County Council adopted and approved this County Employment Policy and Procedures Manual on the 7th day of December, 2010.

Chair, Grand County Council

ATTACHMENT A

Memo



Date: June 4, 2009

To: Elected Officials and Department Heads

From: Diana Carroll & Bob Greenberg, Chair
Clerk/Auditor County Council

Subject: Policy and Procedure Interpretation-Grand County's
Commitment to Buy Locally

Grand County is committed to buying locally whenever feasible. In practice, this means that when a local business submits a bid or quote to provide goods to Grand County (Local Bid) that is within 10% of the lowest bid, and the lowest bid is from an out-of-county merchant, the County will ordinarily accept the Local Bid. If the Purchasing Agent determines that other circumstances make accepting the higher Local Bid or quote detrimental to the County's interests, or the bid amount is over \$5,000, the Local Bid need not be accepted.

Nothing in this memo shall require or allow the County to violate any policies, procedures, ordinances or laws designed to encourage economy, fairness, and competition in County purchasing.

Reference: Grand County EMPLOYMENT POLICIES & PROCEDURES MANUAL, Section X-Purchasing Policy, D. Specifications